

**Planning Commission  
Thursday, September 21, 2023  
6:30 PM Regular Meeting**

**HYBRID Meeting**

**IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting**

*Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom*

**ZOOM Meeting: You may join online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFHeFdmK2pZUmJNdkdSZz09>

**Meeting ID: 893 6863 4307**

**Meeting Password: 989853**

**Or you can call in and listen via zoom: 1 253 215 8782**

**Meeting ID: 893 6863 4307**

**Meeting Password: 989853**

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**Public Participation:**

*Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

*Public Hearing: To participate in the public hearings, please choose one of the following.*

- 1) **Email in advance of the meeting** – Email at any time up to 12 p.m. the day before the meeting to [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov), that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 3) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom.

**----- MEETING AGENDA ON NEXT PAGE -----**

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Sidonie Winfield, Chair	<b>6:30 PM – REGULAR MEETING</b>
Gary Langenwalter Vice - Chair	<b>1. Call to Order</b>
Matthew Deppe	<b>2. Citizen Comments</b>
Rachel Flores	<b>3. Public Hearings:</b>
Sylla McClellan	<b>A. <u>Quasi-Judicial Hearing: Stratus Village: Planned Development Amendment (PDA 2-23), Three Mile Lane Design Review (TML 1-23), and Landscape Plan Review (L 25-23) – (Exhibit 1)</u></b>
Elena Mudrak	<b><i>(Continued from August 17, 2023)</i></b>
Meg Murray	Request: The applicant, Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC), is requesting concurrent review and approval of three applications for the Stratus Village 175-unit multi-dwelling development on a property of approximately 6.5 acres: a Planned Development Amendment (PDA 2-23), a Three Mile Lane Review (TML 1-23), and a Landscape Plan Review (L 25-23).
Brian Randall	<b>PDA 2-23.</b> The property is subject to an existing Planned Development Overlay Ordinance which includes the subject properties and adjacent properties. The proposal includes revisions to the original Planned Development master plan for the subject properties, which requires approval of a Planned Development Amendment. The master plan for the subject properties will replace the existing plan for medical offices with the proposed plan for apartments. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance.
Beth Rankin	<b>TML 1-23.</b> The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.
Dan Tucholsky	<b>L 25-23.</b> The proposal includes a landscape plan review, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.
	Location: 235 SE Norton Lane, Tax Lots R4427 400, 404, and 405

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

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Applicant: Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC),

**B. Legislative Hearing: Proposed Amendments to the Comprehensive Plan to adopt: A New Housing Needs Analysis (G 1-20) and A New Economic Opportunities Analysis (G 3-20) – (Exhibit 2)**

*(Continued from September 7, 2023)*

Requests: G 1-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Housing Needs Analysis, including a residential buildable land inventory.

G 3-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Economic Opportunities Analysis, including a buildable land inventory for employment and other non-residential land use.

Applicant: City of McMinnville

**C. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22) – (Exhibit 3)**

*(Continued from August 17, 2023)*

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

**4. Commissioner Comments**

**5. Staff Comments**

**6. Adjournment**

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City of McMinnville  
Community Development Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 1 - STAFF REPORT

**DATE:** September 21, 2023  
**TO:** Planning Commission Members  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Continued Public Hearing – Planned Development Amendment PDA 2-23, Three Mile Lane Review TML 1-23, and Landscape Plan Review L 25-23

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### Report in Brief:

This proceeding is a continuation of the August 17 quasi-judicial public hearing of the Planning Commission to consider concurrent review of three applications for property totaling approximately 6.5 acres located at 235 SE Norton Lane (Tax Lots R4427 400, 404, and 405). **See Vicinity Map (Figure 1) and Zoning Map (Figure 2).**

The applications are: Planned Development Amendment PDA 2-23, Three Mile Lane Review TML 1-23, and Landscape Plan Review L 25-23. The requests are summarized below. The applications are submitted as part of a proposal by Housing Authority of Yamhill County (HAYC) to develop a new 175-unit apartment development, “Stratus Village.” **Figure 3.**

**PDA 2-23.** The subject property is subject to an existing Planned Development Overlay Ordinance which includes the subject properties and adjacent properties. The proposal includes revisions to the original Planned Development master plan for the subject properties, which requires approval of a Planned Development Amendment. The master plan for the subject properties will replace the existing plan for medical offices with the proposed plan for apartments. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance.

**TML 1-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

**L 25-23.** The proposal includes a landscape plan, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

**NOTE:** *The applicant has also separately submitted an application for a parcel consolidation to combine the three existing parcels into a single parcel.*

This is a consolidated review to consider these three applications associated with the development of the subject property. There will be one public hearing to receive testimony, and then three separate votes will be taken: one vote for each application, based on the applicable criteria.

The consolidated review procedures specify that the decisions for all applications are subject to the procedure that affords the most opportunity for public hearing and notice:

17.72.070 Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

The Planning Commission will make the decisions on the applications. That will be the final local decision unless the applications are appealed to City Council.

### **Background:**

#### ***Additional Information***

**Below is additional information not in the previous packet.**

#### **Landscape Plan.**

The applicant has submitted a request to amend the Landscape Plan, and submitted a revised landscape plan. **See Attachment 1.**

- The Zoning Ordinance has certain screening requirements. Those requirements specify that the screening can be a fence, landscaping, or a combination of the two. The applicant's original landscape plan specified a cedar fence and sight-obscuring vegetative screen. The revised proposal provides the vegetative screening, but not the fence. This complies with the applicable standards in the multi-dwelling, off-street parking, and landscaping chapters of the Zoning Ordinance. The Evergreen Mobile Home Park to the west has an existing fence along this property line, which is chain link with slats.
- The original landscape plan also showed a mix of plantings in certain areas without showing the details of the individual plantings within those areas. The new landscape plan provides those details. At the August 17 meeting, Commissioners had questions about the privacy of the ground floor patios. This planting plan shows the types of plantings around these patios, providing the types of plantings described in the multi-dwelling standards for privacy and delineation of private spaces.
- The revised landscape plan shows bike racks, bike lockers, and covered bike shelters as follows:
  - Legend Q7: Bike Racks, with five locations provided – one location near each building central entrance. These are the same or similar locations shown on the original plan.

- Legend R8: Bike Lockers, with 16 south of Building 1 and 16 south of Building 2 shown (noted as “preliminary locations, see spec”). These were not on the original plan.
- Legend R9: Bike Shelters, with 2 shown north of the sport court and 2 shown north of the trash enclosure (noted as “preliminary locations, see spec”). These were not on the original plan.

The bike racks (Q7) are proposed as part of the plan and were shown in the same general locations on the original plan. The bike lockers (R8) and bike shelters (R9) shown on the revised landscape plan **are not proposed at this time**. However, the applicant is continuing to study the best amount and location of bike parking. The information shown on the plan reflects their current study of bike parking options. The applicant will likely install some additional bike facilities currently under consideration. Once they have made that decision, they intend to request Planning Director approval for a minor amendment.

**Parking and Parking Easement.**

At the August 17 meeting, there was discussion regarding parking, the parking easement on the east side of the HAYC property, and the applicant’s request regarding flexibility to the standards regarding parking spaces within 10 feet of a property line. Attached is a memo from staff with information intended to clarify parking and the parking easement. **See Attachment 2. See Attachment 3 for CCRs with Shared Parking Easement.**

**Condition #16.b. Stormwater Drainage Plan**

Condition #16.b. addresses requirements for the stormwater plan. The applicant has requested this land use condition be written more generally, with more specific issues to be reviewed and addressed by the Engineering Department as part of their review. Staff recommends Condition #16.b. be revised to the following text, **“The applicant shall submit a stormwater drainage plan for review and approval of the Engineering Department that demonstrates compliance with the City’s Stormwater Management Plan and state drainage law.”**

**Discussion:**

The August 17 staff recommendation presented in the staff report and decision document was approval with conditions. That continues to be the staff recommendation, subject to the revision to the landscape plan requested by the applicant and modification to recommended Condition #16.b. regarding stormwater drainage, as discussed above.

At the August 17 Planning Commission meeting, several items were discussed related to the application request. Below is a summary table of staff’s analysis of the status of these items, followed by more detailed information.

Item	Summary/Staff Analysis
1- Ordinance 5095 Condition #3 regarding additional height over 35’	Planning Commission Concurrence
2- Minor Reduction to Portion of 20’ Front Yard Parking Setback Due to Right-of-Way Dedication	Planning Commission Concurrence
3- 17.11.090.D.4.f.3. Parking Lot Location. (Parking Spaces Location Abutting East Property Line)	Still in Deliberation. No revision to application proposed. See attached staff memo for additional information.
4- 17.11.090.D.6.b.1. and b.2. Private Open Space (Balconies)	Still in Deliberation. No revision to application proposed.
5- 17.11.090.D.11.b.5. Compatibility, Step back	Planning Commission Concurrence(?) No revision to application proposed.

6- 17.11.090.D.12.B.3. Wall and Roof Design, Main Entrance (Buildings 1, 2, and 5 – entrances on the side).	Planning Commission Concurrence(?) No revision to application proposed.
7- Bike Parking	Meets Clear and Objective Standards
8- Trash Enclosure	Meets Clear and Objective Standards
9- Privacy Screening of Ground Floor Patios	Meets Clear and Objective Standards
10- Public Testimony re: Additional Issues to Those Addressed Above.	Special study of affordable housing traffic suggested in testimony is not consistent with City requirements. Information in record indicates net reduction of trip generation compared to currently approved master plan; therefore, TIA not required. The attached memo regarding parking provides additional information re: the parking setback issue addressed in the letter and above.

- 1-As part of the master plan approval, the applicant requested height over 35-feet as provided in Condition 3 of Ordinance 5095, the Planned Development Overlay that includes the property:
3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

**The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.**

There was general concurrence that the applicant's proposal satisfied the requirements to authorize the requested height exceeding 35 feet, based on the following:

Per this provision, the applicant has requested additional building height in excess of 35 feet at the time of submittal of the updated master plan and detailed building plans. For Buildings 1-4, the majority of the eave lines remain less than 35 feet in height. Predominant ridge lines are approximately 38 feet tall and approximately 40 to 42 feet tall depending on the specific building. The tallest features are "cupola" elements that provide agricultural thematic elements resembling grain elevators, which are approximately 48 feet to the highest point. They add approximately 6.5 feet to the overall height above the tallest ridgelines where present. Those features are added to address the architectural character of the buildings per the Three Mile Lane Area Plan policies, agricultural architecture

thematic elements similar to grain elevators and features on other buildings along the Three Mile Lane corridor. Building 5 is less than 35 feet in height.

- 2-Staff also recommended flexibility to the 20-foot parking setback from Stratus Avenue related to the right-of-way dedication, where a small area along the frontage near the northeast corner would likely be marginally less than 20 feet. There did not appear to be concerns with this issue.
- 3, 4, 5, 6- As part of the Planned Development Amendment for approval of the new master plan (the new master plan for multi-dwelling use will replace the previous master plan for medical office use on the subject properties), the applicant also requested flexibility to certain standards noted below which are part of the new multi-dwelling design and development standards. The applicant's detailed responses are provided on Page 62 of their application submittal, also incorporated into the findings in the decision document. **See Attachment 4 for Excerpt.**

The applicant requested flexibility regarding the following standards. Revisions are not proposed to these requested items:

- 17.11.090.D.4.f.3. Parking Lot Location.
  - 17.11.090.D.6.b.1. and b.2. Private Open Space
  - 17.11.090.D.11.b.5. Compatibility, Step back
  - 17.11.090.D.12.B.3. Wall and Roof Design, Main Entrance
- 7, 8, 9- In addition to the items requested by the applicant, at the August 17 meeting, Planning Commissioners also discussed certain issues noted below. Staff notes the following:
    - **Bike Parking.** The parking standards of the Zoning Ordinance do not require bike parking for residential development (Chapter 17.60).
    - **Single Trash and Recycling Enclosure.** The standards for a Solid Waste and Recycling Enclosure Plan (Chapter 17.61) do not contain standards that specify distance or number of facilities on a site.
    - **Privacy Screening of Ground Floor Patios.** The revised landscape plan provides more detail regarding the types of shrubs and plantings that are proposed around the ground floor patios. This shows how the proposal is consistent with the type of plantings specified to delineate private and public areas as required in the multi-dwelling standards of Chapter Section 17.11.

ORS 197.307(4) provides in relevant part, "...a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." The applicant didn't request flexibility regarding these items. Staff found that the applicant demonstrated compliance with the above clear and objective standards.

- 10- Public testimony. The requested special study of affordable housing traffic suggested in testimony is not consistent with City requirements. Information in the record indicates net reduction of trip generation compared to currently approved master plan; therefore, a TIA is not required. The attached staff memo regarding parking provides additional information/clarification re: the parking setback issue addressed in the letter and above.

These were the principal topics of discussion, and there did not appear to be issues regarding other findings, criteria, or development standards of the Comprehensive Plan, Zoning Ordinance, Ordinance 5095 or respective plans and policies.



## **Attachments:**

1. Memo and Revised Landscape Plan from Applicant
2. Memo from Staff Regarding Parking and Parking Easement
3. CCRs with Shared Parking Easement
4. Excerpt from Application Regarding Requested Flexibility to Provisions of 17.11
5. Decision Document

***The full record through the August 17, 2023 meeting is available on the City website.***

## **Planning Commission Options:**

1. **APPROVE** the applications as proposed by the applicant, per the decision document provided, which includes the findings of fact, with the additional revisions from staff noted below.
2. **CONTINUE** the public hearing to a specific date and time.
3. Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
4. Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

## **Staff Recommendation:**

### **PDA 2-23**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application subject to conditions based on the findings and conditions in the attached Decision Document, with Condition #16.b. revised to the following, ***“The applicant shall submit a stormwater drainage plan for review and approval of the Engineering Department that demonstrates compliance with the City’s Stormwater Management Plan and state drainage law.”***

### **TML 1-23**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application subject to conditions based on the findings and conditions in the attached Decision Document.

### **L 25-23**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings and conditions in the attached Decision Document, *based on the September 11, 2023 revision to the landscape plan which removes the previously proposed cedar fence from the west property line.*

**Suggested Motions:**

**PDA 2-23**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE PLANNED DEVELOPMENT AMENDMENT, PDA 2-23, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT WITH CONDITION #16.B. REVISED TO THE FOLLOWING, “THE APPLICANT SHALL SUBMIT A STORMWATER DRAINAGE PLAN FOR REVIEW AND APPROVAL OF THE ENGINEERING DEPARTMENT THAT DEMONSTRATES COMPLIANCE WITH THE CITY’S STORMWATER MANAGEMENT PLAN AND STATE DRAINAGE LAW.”**

**TML 1-23**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE THREE MILE LANE DESIGN REVIEW, TML 1-23, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.**

**L 25-23**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW, L 25-23. SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT, BASED ON THE SEPTEMBER 11, 2023 REVISION TO THE LANDSCAPE PLAN WHICH REMOVES THE PREVIOUSLY PROPOSED CEDAR FENCE FROM THE WEST PROPERTY LINE.**

Figure 1. Vicinity Map

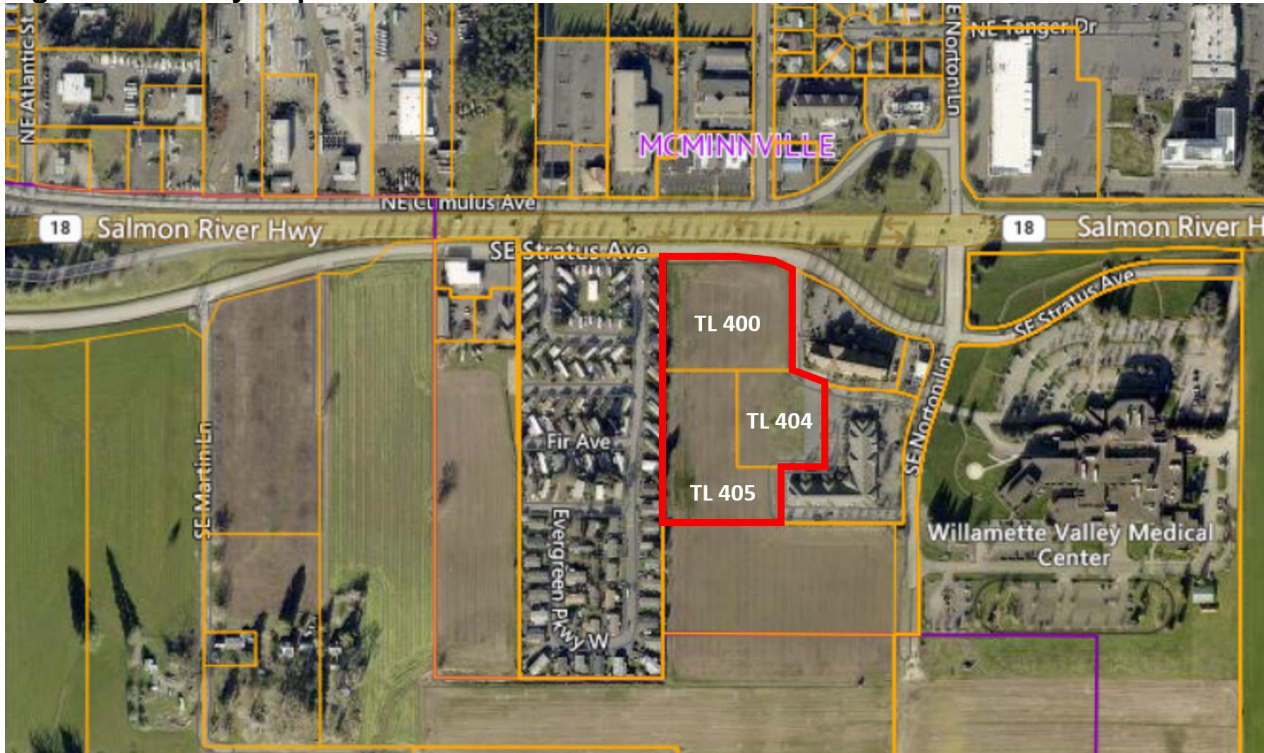
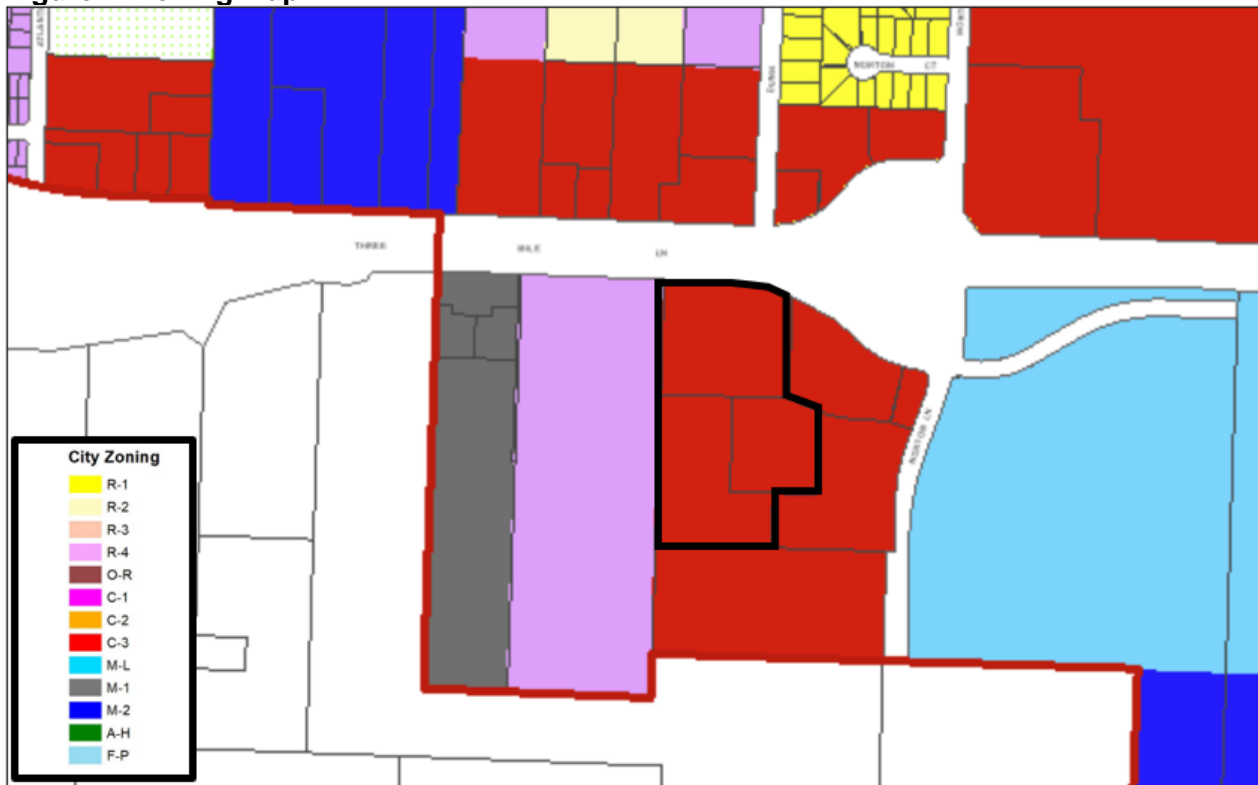


Figure 2. Zoning Map



**Figure 3a. Proposed Master Plan – Site and Landscape Plan Summary**  
*(See applications for detailed plans).*



- KEY**
- A. Open Green / Commons
  - B. Nature Play Area
  - C. Community Gardens
  - D. Waste Collection Zone
  - E. Interior Walkways
  - F. The Meadow
  - G. Stratus Frontage
  - H. Parking Zones
  - I. Outdoor Fitness Areas

**Figure 3b. Proposed Plan - Perspective View Looking South**

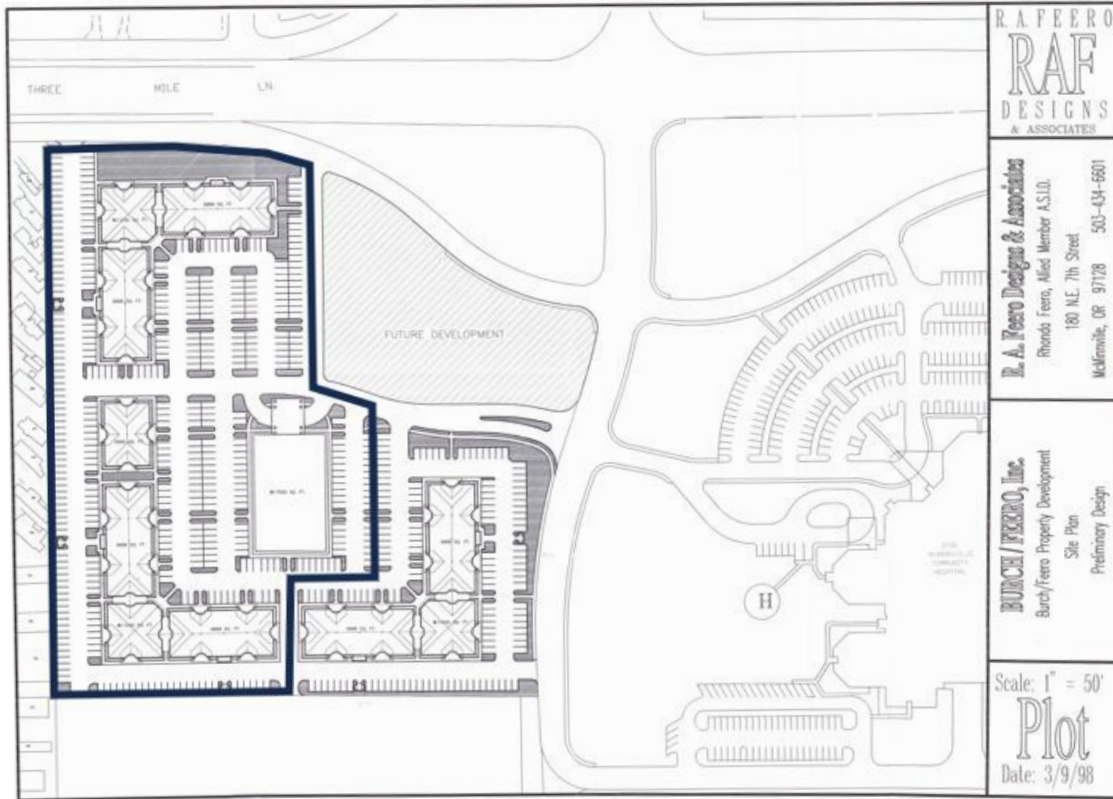


**Figure 3c. Proposed Plan - Perspective View Looking North Toward Open Green Space/ Commons "A"**



*(See applications for elevation drawings and additional perspective views).*

**Figure 4a. Existing Planned Development Master Plan - Site Plan (Medical Office)  
(Subject Properties Identified with Outline)**



**Figure 4b. Existing Planned Development Master Plan – Elevations (Medical Office)**



## MEMORANDUM

To: Tom Schauer, City of McMinnville

Cc: Heather Richards, City of McMinnville  
Vickie Ybarguen, Housing Authority of Yamhill County  
Robin Scholetzky, Urban Lens Planning  
Michael Bonn, Ankrom Moisan  
Robert Lecher, Ankrom Moisan

From: Mike Andrews

Date: September 11, 2023

Subject: Planned Development Amendment PDA 2-23, Three Mile Lane  
Review TML 1-23, and Landscape Plan Review L 25-23

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The following memorandum is in response to the proposed application changes to remove a non-required fence at the west property line. Where applicable, these revisions supersede the sections provided in the Narrative dated May 24, 2023.

*17.11.090(D)(4)(d)(9)*

*9. When a parking area abuts property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line.*

**APPLICANT REVISED RESPONSE:** A parking area is located adjacent to residentially-zoned (R-4) property directly to the west of this site. As a result, a landscaping buffer has been provided along this length of the property. Details on the plantings within the parking area can be found on Sheet L1.00, Materials Plan. Living material will be installed that meets the objective standard for site obscuring.

*17.60.808(D)(2)*

*D. Parking areas shall be made compatible with surrounding uses as follows:*

- 1. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.*
- 2. When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.*

**APPLICANT RESPONSE:** A parking area is located adjacent to residentially-zoned (R-4) property directly to the west of this site. In response to this, a series of 'Green Giant' Arborvitae (*Thuja plicata* 'Green



Giant') will be planted along the Western property line. This arborvitae will be planted at an 8-foot on-center planting density, creating a dense, evergreen hedge that will meet the screening requirements of this section. The arborvitae will reach a height of 8 feet--adequate to screen the parking area. This screening material at the same planting density will be continued around the Southern perimeter of the site, creating a cohesive, dense, green hedge.

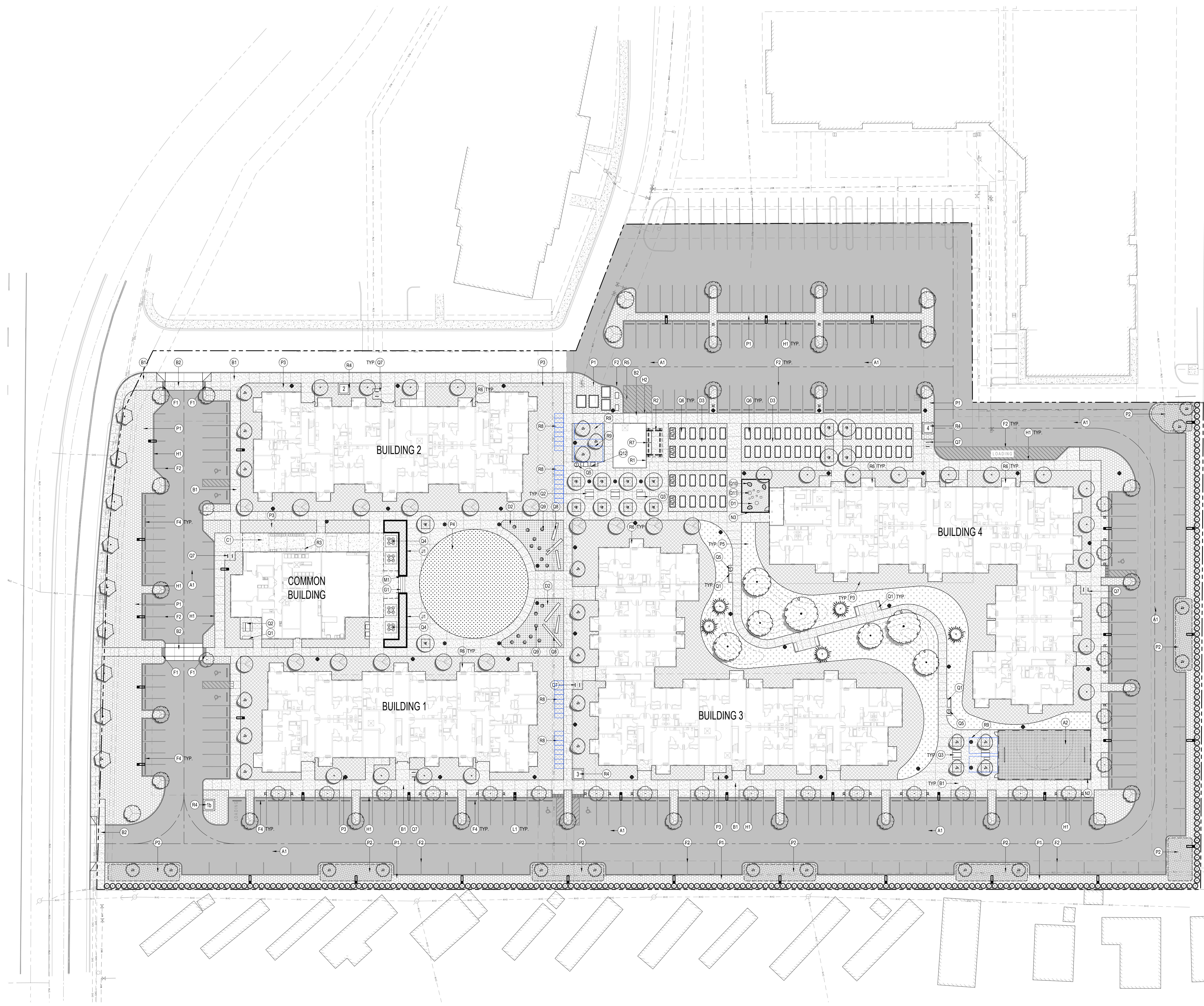
*17.57.070 Area Determination—Planning factors.*

*B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:*

- 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*
- 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.*

**APPLICANT RESPONSE:** The landscaping provided includes the use of plantings that will provide an evergreen, sight-obscuring planting in areas which are required to have such a screening—such as those along a parking area.





**MATERIALS LEGEND**

----- PROPERTY LINE TYP. TYPICAL

**MATERIALS SCHEDULE**

**PAVEMENTS**

- A1 ASPHALT PAVING - VEHICULAR (SEE CIVIL FOR R.O.W. WORK)
- A2 ASPHALT PAVING - PEDESTRIAN; HALF COURT AREA WITH PAINTED LINES
- B1 CONCRETE PAVING - PEDESTRIAN, MED. BROOM FINISH (SEE CIVIL FOR R.O.W. WORK)
- B2 CONCRETE PAVING - VEHICULAR, MED. BROOM FINISH (SEE CIVIL FOR R.O.W. WORK)
- C1 DECORATIVE CONCRETE PAVING - PEDESTRIAN, RETARDED FINISH.
- D1 RUBBERIZED PLAY SURFACING - PERFORMANCE ULTRA-TILE OR SIM.
- D2 ENGINEERED WOOD FIBER AT NATURE PLAY AREAS
- D3 CEDAR CHIPS MULCH AT COMMUNITY GARDEN PATHS
- F1 TACTILE WARNING STRIPS
- F2 PARKING STRIPING (SEE CIVIL)
- F3 FABRICATED METAL EDGING
- F4 PARKING WHEEL BARRIERS (SEE CIVIL)

**STAIRS, RAMPS, CURBS AND WALLS**

- G1 CAST IN PLACE CONCRETE STAIRS
- G2 CAST IN PLACE CONCRETE RAMP
- H1 CONCRETE CURB - RAISED
- H2 CONCRETE CURB - FLUSH
- H3 CONCRETE CURB - FLUSH, 6" BAND, 6"-12" DEPTH
- J1 LANDSCAPE WALL - 6" THICK (4' TOTAL HEIGHT MAX)

**RAILINGS, GATES, AND FENCES**

- M1 STAIR HANDRAIL - GALV. & PAINTED STEEL
- M2 RAMP HANDRAIL - GALV. & PAINTED STEEL
- N1 NOT USED
- N2 8HT. SPORTS NET FENCE WITH (2) GATES @ HALF-COURT
- N3 4' HT. PLAY AREA WIRE MESH FENCE AND GATE (OMEGA II OR SIM.)

**PLANTING (SEE PLANTING PLANS)**

- P1 PERIMETER SHRUB PLANTING AT PARKING AREAS
- P2 STORMWATER PLANTER - SEE CIVIL
- P3 SMALL TO MEDIUM SHRUBS, MAX. 4" WIDE x 4" HIGH
- P4 SODDED LAWN
- P5 SEEDED MEADOW MIX AND GROUNDCOVERS

**SITE FURNISHINGS**

- Q1 6' BENCH - FORMS-SURFACES VECTOR SYSTEM - STANDALONE, THREE BACKRESTS, WOOD SLAT TOP
- Q2 PICNIC TABLE - TYPE 1 - FORMS-SURFACES VECTOR SYSTEM - 6' TABLE ENSEMBLE, WOOD SLAT TOP, (2) 6' BENCHES
- Q3 PICNIC TABLE - TYPE 2 (A.D.A.) - FORMS-SURFACES VECTOR SYSTEM - 6' TABLE ENSEMBLE, WOOD SLAT TOP, (1) 6' BENCH, (1) 2' BENCH
- Q4 TABLES & CHAIRS - LANDSCAPE FORMS CHIPMAN SYSTEM - 4-TOP SQUARE TABLES WITH UMBRELLA
- Q5 LITTER & RECYCLING BINS - FORMS-SURFACES TONYO - 36 GAL., SPLIT-STREAM, W/ RAIN HAT; - STAINLESS STEEL BODY AND DOORS, SOLID PANELS; COLOR T.B.D.
- Q6 RAISED COMMUNITY GARDEN PLANTER - 12" HIGH, 4' X 8' CEDAR OR JUNIPER TIMBERS - (4) OF THE PLANTERS WILL BE A.D.A ACCESSIBLE, SEE DETAILS
- Q7 BIKE RACK - COLUMBIA CASCADE COMPANY - TIMBERFORM CYCLOOPS MODEL NO. 2170-3-06
- Q8 NATURE PLAY - REPURPOSED DOWNED LOG - 24-30" DIAM, 8-12' LENGTH
- Q9 NATURE PLAY LOGS - TIMBERFORM - TIMBERCRAFT #1501 FULL-ROUND STEPPER
- Q10 PEBBLE STOOL - TOURNESOL
- Q11 PLAY SPHERES AND HALF-SPHERES - GORIC
- Q12 OUTDOOR GRILL & COUNTER. TBD.

**MISCELLANEOUS**

- R1 TRASH ENCLOSURE - SEE ARCH.
- R2 COMM. GARDENS PERGOLA, SEE DETAILS AND SPEC.
- R3 MAIL CLUSTER BOX UNITS - SEE ARCH.
- R4 PAD-MOUNTED TRANSFORMERS - SEE ELECTRICAL
- R5 UTILITY VAULTS - SEE CIVIL
- R6 PRIVATE PATIOS - SEE ARCH.
- R7 PREFABRICATED STORAGE SHEDS (2), SEE SPEC.
- R8 BIKE LOCKERS - PRELIMINARY LOCATIONS, SEE SPEC.
- R9 BIKE SHELTERS - PRELIMINARY LOCATIONS, SEE SPEC.

**1 MATERIALS PLAN**  
1" = 30'-0"

**Ankrom Moisan**  
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 10/19/99  
 OREGON  
 LANDSCAPE ARCHITECT  
 EXPIRATION DATE 10/30/2023

**STRATUS VILLAGE - SITE & UNITS**  
 PROJECT ADDRESS  
 HOUSING AUTHORITY OF YAMHILL COUNTY

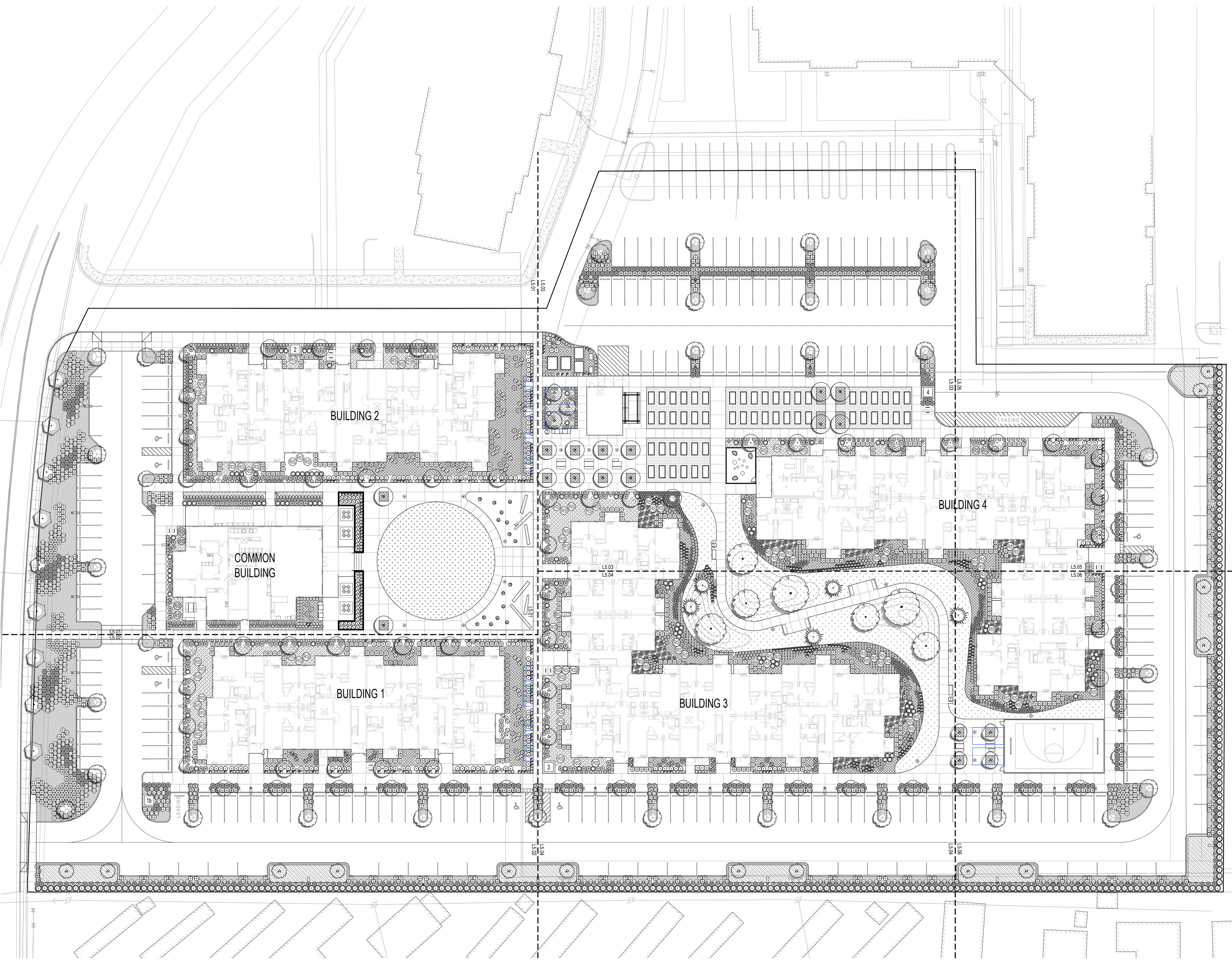
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**MATERIALS PLAN**

GMP SET

DATE: 09.07.2023 PROJECT NUMBER: 202780  
 SHEET NUMBER

**L1.00**



**PLANTING NOTES**

- VERIFY LOCATION OF EXISTING TREES TO REMAIN PRIOR TO SOIL PREPARATION. PROTECT ALL TREES AND SHRUBS INDICATED TO REMAIN.
- VERIFY AND COORDINATE WORK AROUND ALL UNDERGROUND UTILITIES BEFORE EXCAVATION. NOTIFY ALL UTILITY PROVIDERS AT LEAST TWO (2) WORKING DAYS PRIOR TO BEGINNING WORK.
- VERIFY THAT THE CONDITIONS ARE SUITABLE TO PROMOTE HEALTHY PLANT GROWTH. DO NOT PROCEED IF CONDITIONS DETRIMENTAL TO HEALTHY GROWING ENVIRONMENT ARE PRESENT, INCLUDING OVER-COMPACTED SOILS, ADVERSE DRAINAGE CONDITIONS, DEBRIS, OR OTHER HARMFUL CIRCUMSTANCES. PROCEEDING WITHOUT NOTIFICATION DENOTES ACCEPTANCE.
- COORDINATE WITH OTHER SUBCONTRACTORS AND TRADES TO ENSURE PROTECTION OF GROWING CONDITIONS AND PLANT MATERIALS.
- REFER TO SPECIFICATIONS FOR ADDITIONAL PLANTING REQUIREMENTS, METHODS, AND MATERIALS.
- VERIFY PLANT QUANTITIES SHOWN ON THE PLANS BASED ON GRAPHIC REPRESENTATION. QUANTITIES SHOWN ARE FOR CONTRACTOR CONVENIENCE ONLY.
- PROVIDE POSITIVE DRAINAGE FOR ALL PLANTING AREAS.
- UNLESS OTHERWISE INDICATED, ALL SHRUB AND GROUND COVER PLANTINGS SHALL BE TRIANGULARLY SPACED.
- LABELING REFERS TO ALL ADJACENT IDENTICAL SYMBOLS WHERE PLANTS ARE MASSES. LABEL FOR MASS INDICATES TOTAL NUMBER OF PLANTS IN GROUP, EVEN IF THE GROUP IS SPREAD OVER MORE THAN ONE SHEET.
- SEE MATERIALS PLAN FOR NOTES ABOUT PRELIMINARY BIKE LOCKERS AND BIKE SHELTER LOCATIONS. ONCE CONFIRMED, THE LOCATIONS OF THE BIKE STORAGE WILL IMPACT THE PLANTING DESIGN.

**STORMWATER**

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE (HT. x SPRD.)	CONTAINER CLASS	SPACING	NOTES
CAOB	CAREX	CAREX OBNUTA	SLOUGH SEDGE		CG #1	12" O.C.	
COKE	CORNUS SERICEA	'KELSEY'	KELSEY'S DWARF RED-OSIER DOGWOOD	12" HT. OR SPRD.; 4 CANES	CG #2	24" O.C.	
DECE	DESCHAMPSIA	CESPIIOSA	TUFTED HAIR GRASS		CG #1	18" O.C.	ROOTED TO EXTENTS OF CONT.
SAPU	SALIX	PURPUREA 'NANA'	ARCTIC BLUE LEAF WILLOW	18" HT., 4 CANES	CG #2	36" O.C.	
SPBE	SPIREA	BETULIFOLIA	BIRCH-LEAF SPIREA	18" HT. OR SPREAD, 4 CANES	CG #2	36" O.C.	
SPDO	SPIREA	DOUGLASII	DOUGLAS SPIREA	18" HT. OR SPREAD, 4 CANES	CG #2	AS SHOWN	
SPGO	SPIREA x BIMALDA	'GOLDFLAME'	GOLDFLAME SPIREA	15" HT. OR SPREAD, 4 CANES	CG #2	36" O.C.	

**LAWN, GRASSES, GROUND COVER & VINES**

LA	LAWN						SOODED
MM	SEEDED MEADOW MIX						SEE SPEC.
BM	CEDAR BARK MULCH						SEE SPEC.

**TREE SCHEDULE**

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE	SPACING	QTY.	NOTES
<b>STREET TREES AND PARKING TREES</b>							
ALRU	ALNUS	RUBRA	RED ALDER	2" CAL.; 8'-10" HT.	AS SHOWN	14	
TICO	TILLIA	CORDATA 'HALKA'	SUMMER SPRITE LINDEN	2" CAL.; 8'-10" HT.	30' O.C.	9	PER STREET TREE PLANTING STDS.
MAVI	MAGNOLIA	GRANDIFLORA 'VICTORIA'	VICTORIA SOUTHERN MAGNOLIA	2.5" CAL.; 12'-14" HT.	AS SHOWN	24	12'-14" HT., 28" MIN. ROOT BALL DIAMETER, 17" MIN. ROOT BALL DEPTH, EVEN BRANCHING, SPECIMEN QUALITY.
PIPO	PINUS	PONDEROSA	PONDEROSA PINE	8'-10" HT.	30' O.C.	5	PER STREET TREE PLANTING STDS.
ZESE	ZELKOVA	SERRATA 'GREEN VASE'	GREEN VASE JAPANESE ZELKOVA	2.5" CAL.; 12'-14" HT.	AS SHOWN	30	12'-14" HT., 28" MIN. ROOT BALL DIAMETER, 17" MIN. ROOT BALL DEPTH, EVEN BRANCHING, SPECIMEN QUALITY.

**BUILDING PERIMETER TREES**

ACCI	ACER	CIRCINATUM	VINE MAPLE	8'-10" HT.	AS SHOWN	21	PWN NATIVE, TALL DECIDUOUS SHRUB/SMALL TREE, 7 MIN # OF BRANCHES; ROOT BALL 18" MIN
COEW	CORNUS	'EDDIE'S WHITE WONDER'	EDDIE'S WHITE WONDER DOGWOOD	1.5" CAL.; 10'-12" HT.	AS SHOWN	10	10'-12" HT., 20" MIN. ROOT BALL DIAMETER, 12" MIN. ROOT BALL DEPTH, MIN. 2 STEMS
LAIN	LAGERSTROEMIA	INDICA x FAURIEI 'NATCHEZ'	NATCHEZ CRAPE MYRTLE	1.5" CAL.	AS SHOWN	14	8' HT., 10 BRANCHES MIN., 20" MIN. ROOT BALL DIAMETER, 12" MIN. ROOT BALL DEPTH, MIN. 3 STEMS
QUFR	QUERCUS	ROBUR 'FASTIGIATA'	COLUMNAR ENGLISH OAK	2.5" CAL.; 12'-14" HT.	AS SHOWN	26	
QUGA	QUERCUS	GARRYANA	OREGON WHITE OAK	1.5" CAL.; 14'-16" HT.	AS SHOWN	7	14'-16" HT., 32" MIN. ROOT BALL DIAMETER, 18" MIN. ROOT BALL DEPTH, EVEN BRANCHING, SPECIMEN QUALITY.

**HEDGE**

THPL	THUJA	PULCATA 'GREEN GIANT'	'GREEN GIANT' ARBORVITAE	8' HT.	8' O.C.		PRIVACY HEDGE AT PERIMETER
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**NORTH-EAST EXPOSURE PLANT SCHEDULE (SHADE TO PART-SHADE)**

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE (HT. x SPRD.)	CONTAINER CLASS	SPACING	NOTES
COKE	CORNUS	SERICEA 'KELSEY'	KELSEY'S DWARF RED-OSIER DOGWOOD	12" HT., 4 CANES	#2	24" O.C.	
MACO	MAHONIA	AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	15" HT.	#2	24" O.C.	
NADO	NANDINA	DOMESTICA 'GULF STREAM'	GULF STREAM COMPACT HEAVENLY BAMBOO	18" HT. x 18" SPRD.	CG #2	30" O.C.	
POMU	POLYSTICHUM	MUNITUM	WESTERN SWORD FERN	12" SPRD.	#2	36" O.C.	HEAVY, WELL FOLIAGED
RISA	RIBES	SANGUINEUM	RED FLOWERING CURRANT	18" HT., 4 CANES	#2, #3	AS SHOWN	PWN NATIVE, POLLINATOR, HIGH SCREEN SHRUB, ROOTS TO EDGE OF CONTAINER, IN FLATS
RUCA	RUBUS	CALYCINOIDES	CRINK-LEAF CREEPER	12" SPRD.	#1	24" O.C.	
SPJA	SPIRAEA	JAPONICA	JAPANESE SPIREA	18" HT. SPREAD, 4 CANES	#2	36" O.C.	
SYAL	SYMPHORICARPOS	ALBUS	COMMON SNOWBERRY	15" HT., 4 CANES	#2, #3	36" O.C.	

**SOUTH-WEST EXPOSURE PLANT SCHEDULE (SUN TO PART-SUN)**

ARUV	ARCTOSTAPHYLOS	UVA URSI 'MASSACHUSETTS'	MASSACHUSETTS KINKINICK	8" SPRD.	#1	24" O.C.	ROOTS TO EDGE OF CONTAINER
CIPU	CISTUS	x PURPUREUS	PURPLE ROCK ROSE	18" HT. SPREAD, 4 CANES	#2	36" O.C.	
ILGL	ILEX	GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	18" SPRD.	#3	36" O.C.	
LOPI	LONICERA	PILEATA	PRIVET HONEYSUCKLE	18" SPRD.	#2	24" O.C.	
PEHA	PENNISETUM	ALOPECUROIDES 'HADELIN'	DWARF FOUNTAIN GRASS	12" SPRD.	#1	24" O.C.	
ROOF	ROSMARINUS	OFFICINALIS 'MAJORCA PINK'	MAJORCA PINK ROSEMARY	12" SPRD.	#1	24" O.C.	
SPBT	SPIREA	BETULIFOLIA var. TOR	BIRCH-LEAF SPIREA	18" HT. OR SPREAD, 4 CANES	#2	30" O.C.	
VAOV	VACCINIUM	OVATUM	BOX HUCKLEBERRY	18" HT. x 15" SPRD.	#3	36" O.C.	

**MEADOW WALK PLANT SCHEDULE**

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE (HT. x SPRD.)	CONTAINER CLASS	SPACING	NOTES
CODA	COTONEASTER	DAMMERI	BEARBERRY COTONEASTER	8" SPRD.	#1	24" O.C.	
DECE	DESCHAMPSIA	CESPIIOSA	TUFTED HAIR GRASS		#1	18" O.C.	ROOTED TO EDGE OF CONTAINER
ECPU	ECHINACEA	PURPUREA	PURPLE CONEFLOWER		#1	24" O.C.	
FRCH	FRAGARIA	CHILOENSIS	BEACH STRAWBERRY		#1	24" O.C.	
IRDO	IRIS	DOUGLASIANA	DOUGLAS IRIS		#2	12" O.C.	
MAAQ	MAHONIA	AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	15" SPRD.	#2	24" O.C.	
POMU	POLYSTICHUM	MUNITUM	WESTERN SWORD FERN	12" SPRD.	#2	36" O.C.	HEAVY, WELL FOLIAGED
RISA	RIBES	SANGUINEUM	RED FLOWERING CURRANT	18" HT., 4 CANES	#3	AS SHOWN	PWN NATIVE, POLLINATOR, HIGH SCREEN SHRUB
SYAL	SYMPHORICARPOS	ALBUS	COMMON SNOWBERRY	15" HT., 4 CANES	#3	36" O.C.	

**PARKING LOT PLANTING**

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE (HT. x SPRD.)	CONTAINER CLASS	SPACING	NOTES
ARME	ARCTOSTAPHYLOS	x MEDIA 'MARTHA EWAN'	MARTHA EWAN MANZINITA		#2	36" O.C.	
CDCB	COTONEASTER	DAMMERI	CORAL BEAUTY COTONEASTER	15" SPRD.	#2	36" O.C.	
CTGY	CEANOTHUS	THYRSIFLORUS var. 'GRISSELI' 'YANKEE POINT'	YANKEE POINT CALIFORNIA LILAC	15" SPRD.	#3	36" O.C.	
LERU	LEPTOSPERMUM	RUPESTRE 'SQUIGGLY'	ALPINE TEA TREE		#2	36" O.C.	
NAHD	NANDINA	DOMESTICA 'HARBOR DWARF'	HARBOR DWARF HEAVENLY BAMBOO		#3	36" O.C.	

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 OREGON ARCHITECT  
 EXPIRATION DATE 10/30/2023

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 HOUSING AUTHORITY OF YAMHILL COUNTY

REVISION	DATE	REASON FOR ISSUE

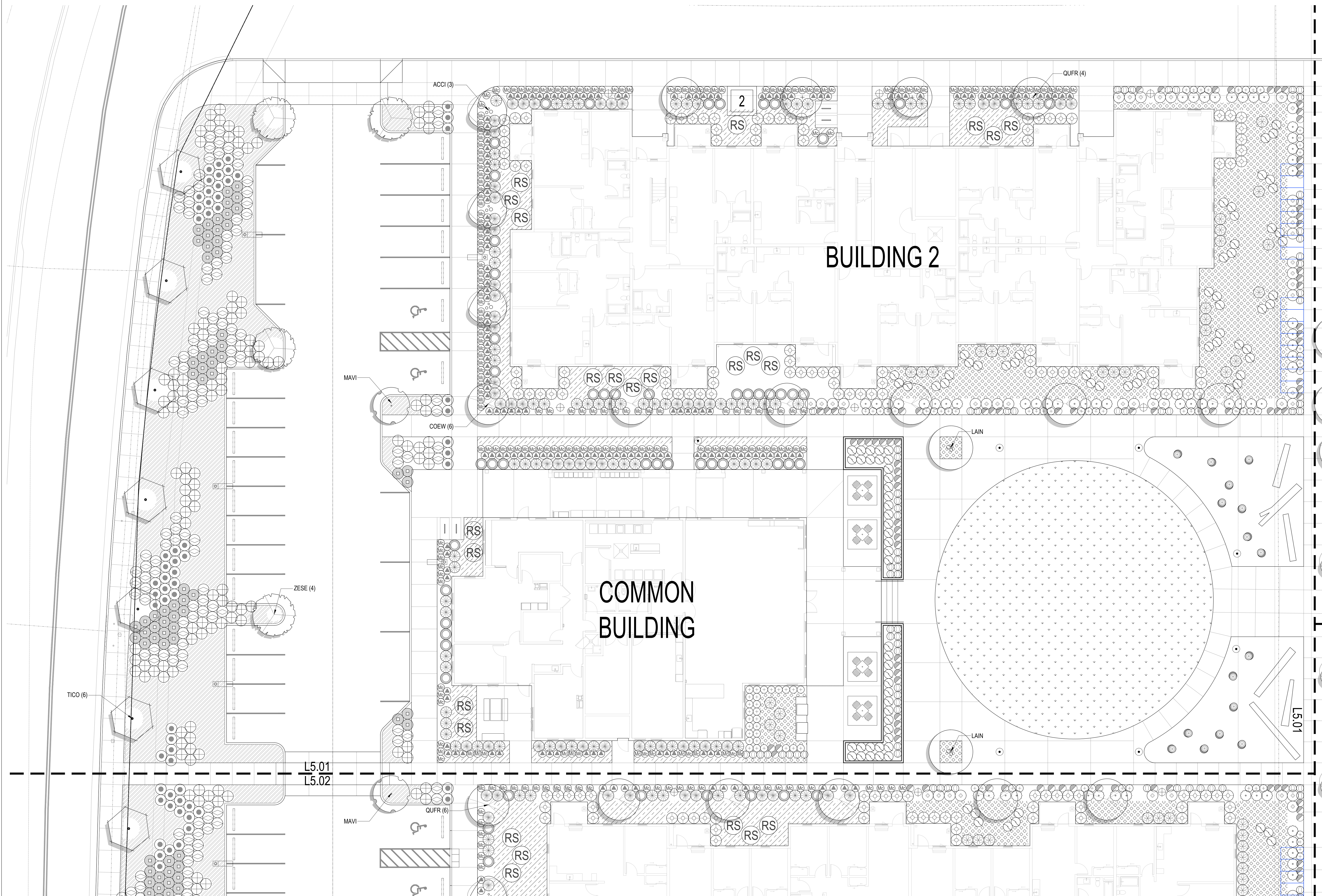
**OVERALL PLANTING PLAN, SCHEDULE & NOTES**

GMP SET

DATE	PROJECT NUMBER
09.07.2023	202780
SHEET NUMBER	

**L5.00**

**1 PLANTING PLAN**  
 1" = 30'-0"



**1 PLANTING PLAN**  
1" = 10'-0"



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 EXPIRATION DATE 10/30/2023

**STRATUS VILLAGE - SITE & UNITS**  
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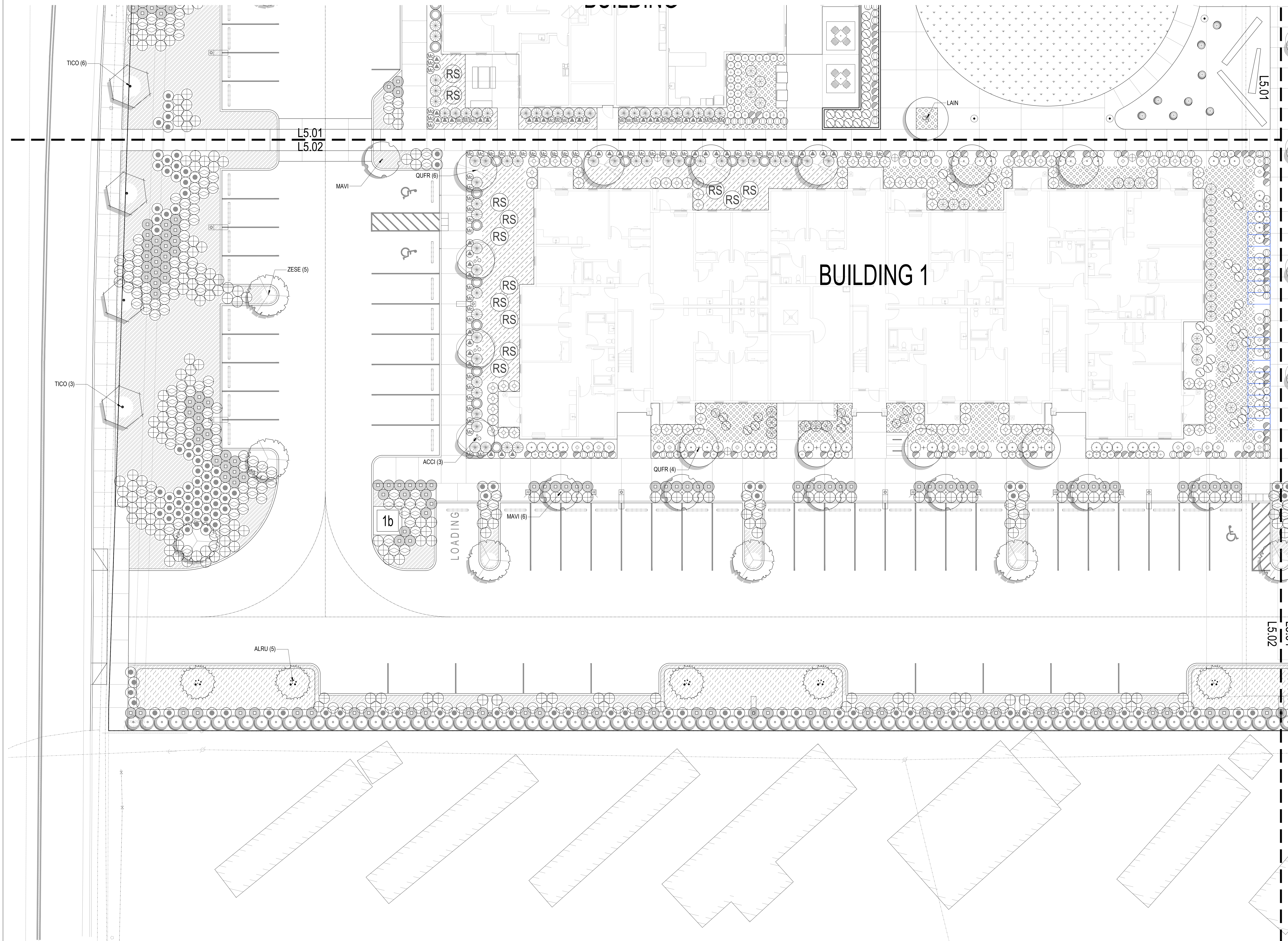
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**ENLARGED PLANTING PLAN**

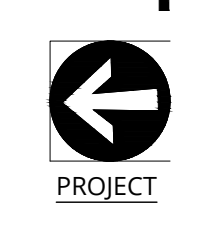
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**L5.01**



**1 PLANTING PLAN**  
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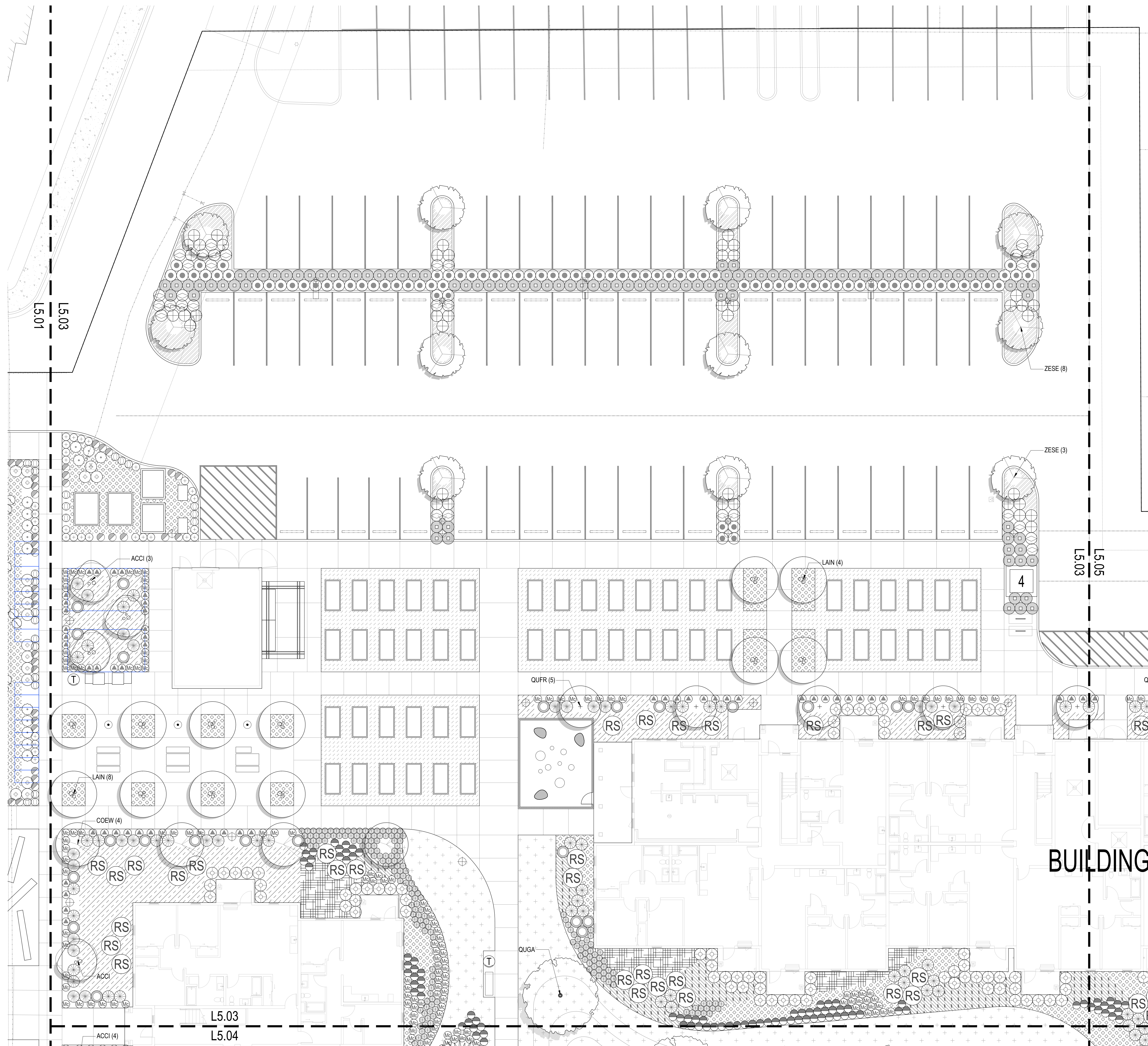
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**1 PLANTING PLAN**  
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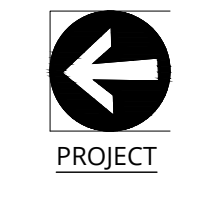
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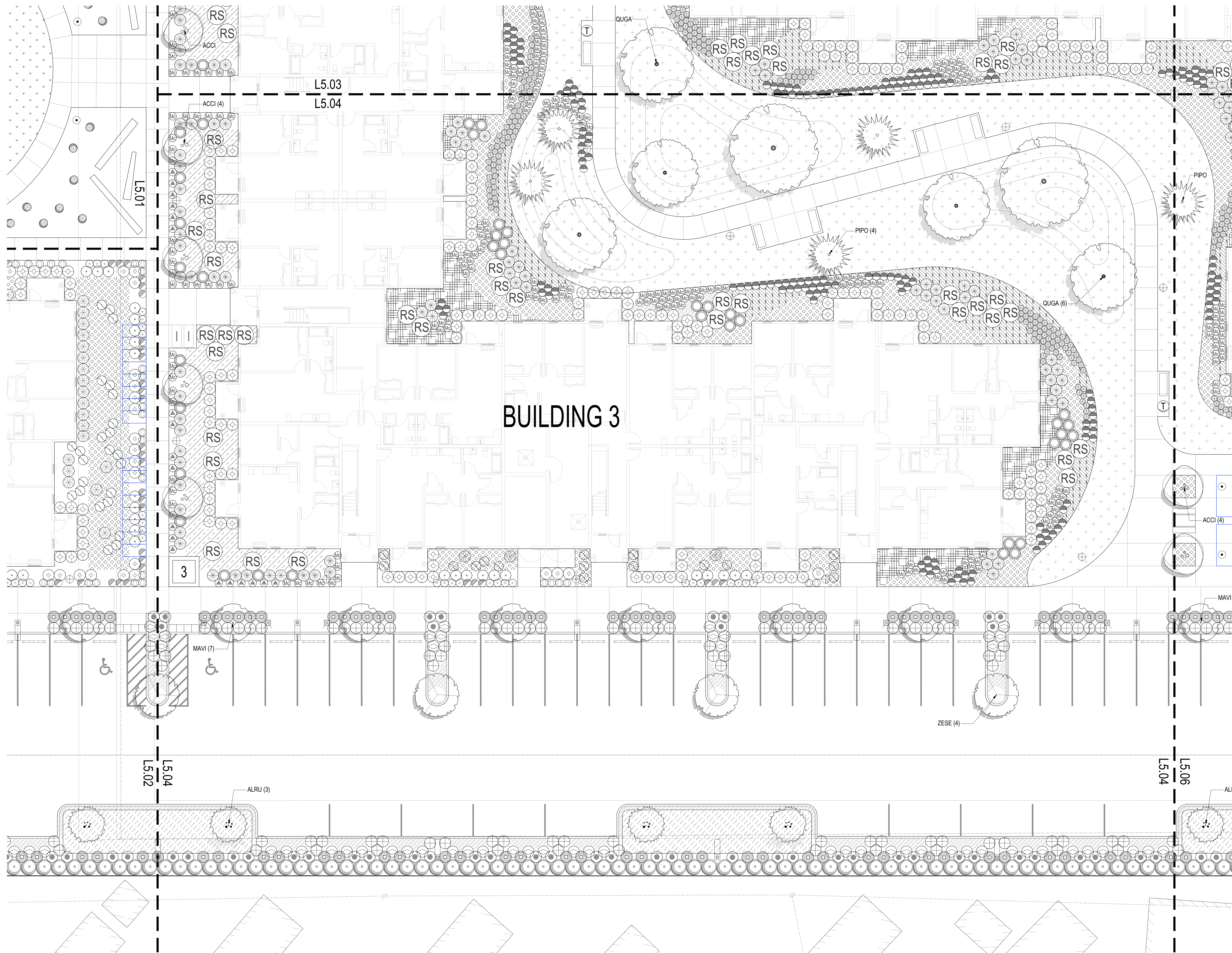
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**1 PLANTING PLAN**  
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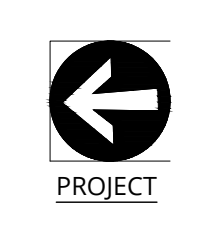
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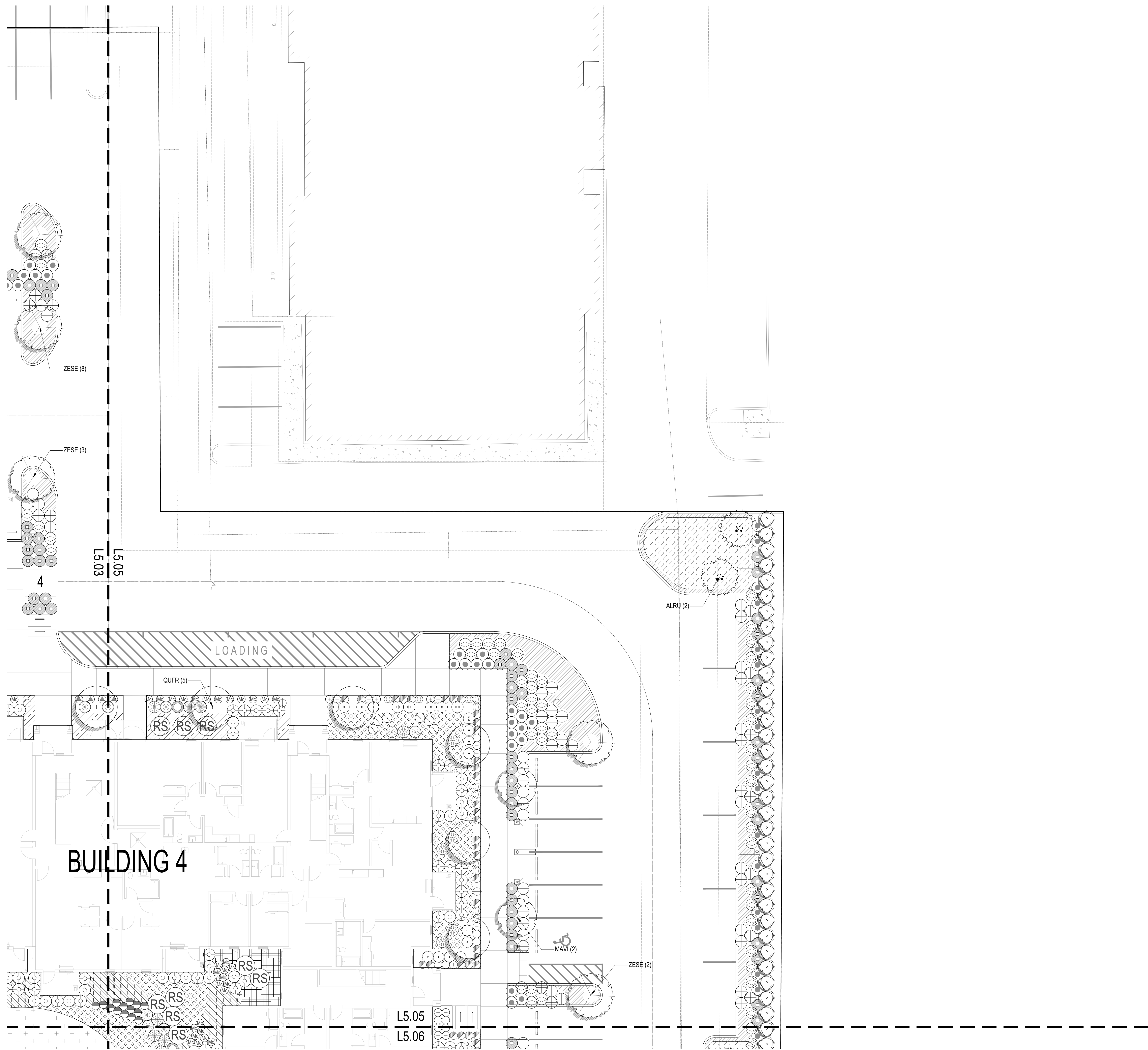
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PLANTING PLAN

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**1** PLANTING PLAN  
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 MAURICIO J. VILLARREAL  
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REVISION	DATE	REASON FOR ISSUE

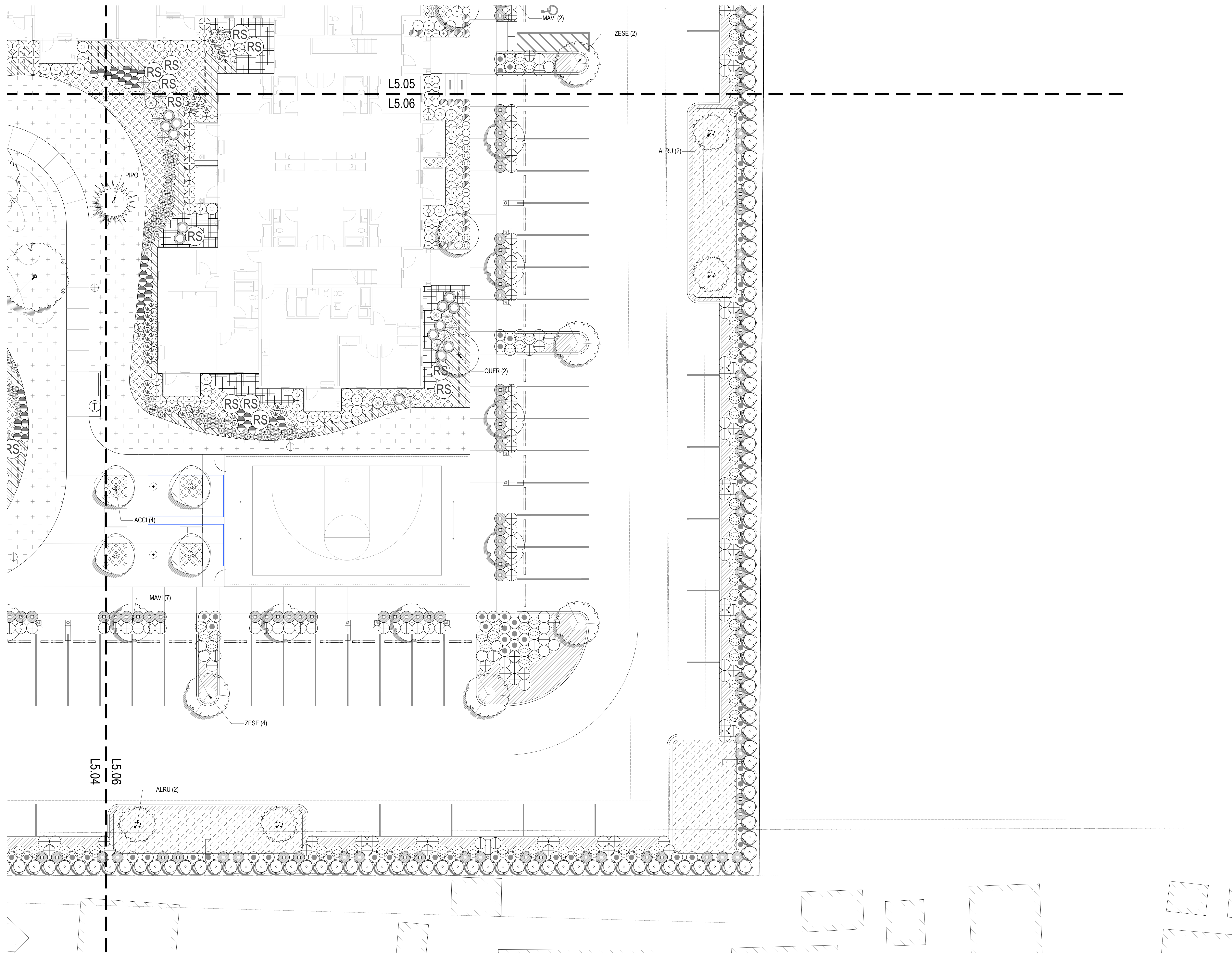
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**1 PLANTING PLAN**  
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**L5.06**





City of McMinnville  
Community Development Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# MEMO

**DATE:** September 21, 2023  
**TO:** Planning Commission Members  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Parking Information – Planned Development Amendment PDA 2-23, Three Mile Lane Review TML 1-23, and Landscape Plan Review L 25-23

## STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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This memo is to provide clarification regarding some of the parking information related the parking discussion that occurred at the August 17 Planning Commission hearing.

### **Background**

The purpose of a Planned Development is:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

The new residential design and development standards include the following provision for multi-dwelling development:

- f. Parking Lot Location. Off-street parking spaces and vehicle maneuvering areas shall not be located:
- 1) Within of 20 feet from any street property line, except alley property lines;
  - 2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
  - 3) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
  - 4) Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - 5) Garages and carports (whether shared or individual) must not abut common courtyards.
  - 6) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
  - 7) Individual detached garages must not exceed 400 square feet in floor area.
  - 8) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

As part of the Planned Development application, the applicant, Housing Authority of Yamhill County (HAYC), has requested flexibility regarding standard (f)(3) as it relates to parking along the east property line, where existing parking was previously developed in a shared configuration prior to these standards, with parking spaces abutting each side of the easterly property line. **See Figures 1 and 2.** Adjacent to other property lines where there is not a common parking area, the applicant's plan maintains 10 feet between the parking spaces and the property lines.

At the August 17 Planning Commission hearing, there was discussion about this issue and request, testimony from the owner of Altimus Plaza, and comments from Planning Commissioners.

### **History**

As part of the originally approved Planned Development master plan for the properties including properties now owned by HAYC and Altimus Plaza, properties were encumbered with numerous shared parking and access easements that essentially applied to the entirety of the properties that weren't within the building footprint areas. With the exception of shared access along the northerly private access road, a 2018 modification to the private agreements substantially revised these provisions. Regarding parking, the only remaining provision is a parking easement that allows Altimus Plaza to use a portion of the parking on the east side of the property owned by HAYC, in the approximate area shown in **Figures 1 and 2.** The easement allows Altimus Plaza to use of this area, but the easement doesn't designate it for their exclusive use. Further, as discussed below, Altimus Plaza does not need use of the parking in this easement area to meet their minimum parking requirements. They meet all of their parking requirements on their site.

For reference, the parking area that was previously constructed includes that parking on the Altimus Plaza property and also the east side of the property owned by HAYC that is within this easement area. (There are currently 180 existing parking spaces: 132 spaces on the property owned by Altimus Plaza and 48 spaces on the property owned by HAYC). **See Figures 1 and 2.**

There is no current reciprocal easement that allows HAYC to use any of the parking on the Altimus Plaza property.

### ***Parking Standards***

**Altimus Plaza.** Altimus Plaza is a 25,967 square foot medical office building. The minimum required parking for a medical office is one space per 200 square feet. Therefore, Altimus Plaza has a parking requirement of 130 spaces. Therefore, their minimum parking requirement is met on their property where they have 132 parking spaces, two more than the minimum requirement. While they have an easement to use parking on a portion of the HAYC property, that parking is not required to meet their minimum parking requirement. (If any portion of the building should be changed to professional office other rather than medical office, the parking requirement would be 1 space per 300 square feet, a lower parking standard).

As noted above, HAYC doesn't have an easement to use parking on the property owned by Altimus Plaza. Therefore, Altimus Plaza can take whatever parking signage and/or enforcement measures they deem appropriate for the parking located on the property they own.

**HAYC.** HAYC has a minimum parking requirement of 141 spaces for the 175 units and office area. Their proposal is to provide 247 parking spaces on the property they own. With HAYC's proposed site plan, approximately 41 of the 247 spaces would be within the easement area on HAYC's property which Altimus Plaza is also allowed to use. (Parking within the west side of the easement area is proposed to be revised/reduced slightly from what is now existing due to proposed circulation and landscape islands).

Some of the application materials refer to the parking in the easement area as "shared parking." For clarification, while Altimus Plaza has an easement for use of that portion of the parking, this isn't considered "shared" parking for purposes of counting minimum required parking spaces. There is no proposal to reduce the total required parking based on shared use between the two properties or offsetting hours of use. Each property meets (and exceeds) its minimum requirements on the respective properties. There will be a total of 379 parking spaces: 247 on the HAYC property, and 132 on the Altimus Plaza property.

Altimus Plaza exceeds their minimum by two spaces without counting spaces in the easement area on the HAYC property. HAYC exceeds their parking requirement by 106 spaces on their property. When averaged, HAYC's minimum parking requirement is 0.8 spaces per unit plus the office parking (8 spaces). HAYC's proposed parking averages 1.4 spaces per unit.

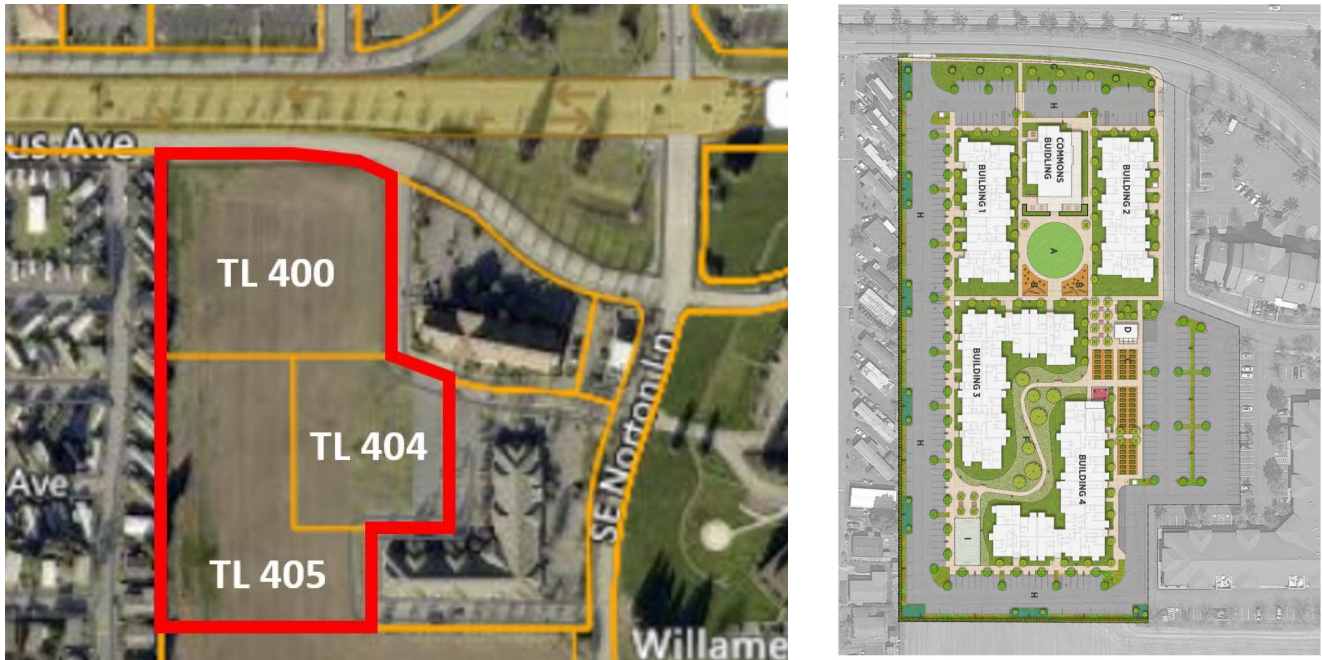
### ***Planned Development Request***

As described above, as part of the Planned Development application, the applicant has requested flexibility regarding multi-dwelling parking lot standard (f)(3) cited above as it relates to parking along the east property line, where existing parking was previously developed in a shared configuration prior to these standards, with parking spaces abutting each side of the easterly property line. They are requesting that this configuration be allowed to remain rather than buffering head-in parking spaces from head-in parking spaces.

**Figure 3** shows an enlargement of the site plan. Please note that the site plan includes a continuous 5-foot wide row of north-south landscaping with shrubs in the easterly parking area, separating the easterly parking aisle on the HAYC property that is subject to the easement from the westerly aisle that isn't subject to the easement.

If the requested flexibility to this standard isn't authorized, the likely result would be a reduction of parking spaces within the easement area in order to achieve 10 feet between the most easterly aisle of parking spaces and the east property line.

**Figure 1. Property Lines**



**Figure 2. Approximate location of parking easement on HAYC property benefiting Altimus Plaza**



*(Shown on original master plan)*

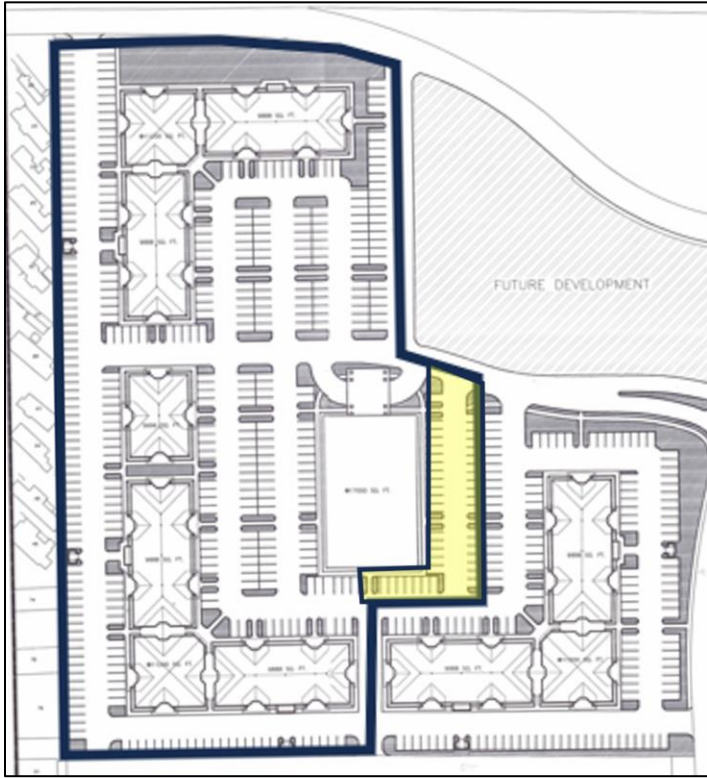


Figure 3. Enlargement of Site Plan



Recorded requested by Stewart Title 01049-305912/AMVH/HLE 204068

**After recording, return to:**

Walter R. Gowell  
PO Box 480  
McMinnville, Oregon 97128

**Send Tax Statements to:**

No Change

Yamhill County Official Records	<b>201802572</b>
<b>DMR-DRDMR</b>	
Stn=3 SUTTONS	<b>02/22/2018 10:31:00 AM</b>
6Pgs \$30.00 \$11.00 \$5.00 \$20.00	<b>\$66.00</b>
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

**DECLARATION OF CONDITION COVENANTS AND RESTRICTIONS  
(COMMON DRIVEWAY AND ACCESS MAINTENANCE  
AND SHARED PARKING EASEMENT)**

This Declaration of Condition Covenants and Restrictions (“Agreement”) is executed effective as of Feb. 16, 2018, 2018, by **BURCH FEERO, INC.**, an Oregon corporation, and **BURCH-FEERO PROPERTY I, INC.**, an Oregon corporation as the owners of four parcels located in the County of Yamhill, Oregon .

**RECITALS:**

**WHEREAS**, BURCH FEERO, INC. (hereafter “BF, INC”) is currently vested in fee title to three parcels of real property described as:

Parcels 1, 2 and 3 of Yamhill County Partition Plat No. 2007-12; and

**WHEREAS**, BURCH-FEERO PROPERTY I, INC., (hereafter “BFP I), is currently vested in fee title to one parcel of real property described as:

Parcel 1 of Yamhill County Partition Plat No. 2001-40 (hereafter “Altimas Plaza”); and

**WHEREAS**, Parcels 1, 2 and 3 of Partition Plat 2007-12 and Parcel 1 of Partition Plat 2001-40 are collectively hereafter referred to as “the Parcels”; and

**WHEREAS**, All of the Parcels are currently served by access and utility easements as shown on recorded Yamhill County Partition Plats 2001-40 and 2007-12; and

**WHEREAS**, all four of the Parcels presently share reciprocal shared parking easements as delineated and set forth on Plats Nos. 2007-12 and 2001-40; and

**WHEREAS**, the Declarants desire to modify the existing shared parking easements, modify the usage of certain access easements shown on the Plat No. 2001-40, and set forth maintenance obligations for the shared primary access easement located on the northerly margins of Parcel 3 of Plat No. 2007-12 and Altimas Plaza; and

**WHEREAS**, this Agreement shall be binding on and appurtenant to all of the Parcels and bind all present and future owners of the Parcels to the covenants, costs and responsibilities set forth in this Agreement; and

**NOW THEREFORE** the Owner declares as follows:

1. BF, INC and BFP 1 hereby reaffirm the existence of the shared parking easement for the benefit of Parcel 1 of Partition Plat 2001-40 located on Parcel 3 of Partition Plat 2007-12 but limited to and only to the extent of those existing parking spaces identified on Exhibit A attached hereto. All other current or future shared parking rights to parking spaces located on Parcel 1 of Partition Plat 2001-40 and Parcels 1, 2 and 3 of Partition Plat 2007-12 benefitting any and all of the Parcels are hereby terminated and shall be of no further force and effect.
2. The current or future owners of the Parcels shall each be responsible for and shall separately pay all costs associated with the maintenance, repairs, and replacement of parking spaces located on their respective parcels from and after the time each of such parcels has been developed.
3. The owner of Altimas Plaza may, but shall not have any obligation to undertake maintenance of existing shared parking spaces located on Parcel 3 of Partition Plat 2007-12, except that prior to the development of such Parcel 3 of Partition Plat 2007-12, it shall maintain such shared parking spaces in a like manner as it maintains its own adjacent parking area located on Altimus Plaza.
4. The owner of Altimas Plaza may, at such owner's sole discretion, but shall not be required to or have any obligation to, undertake maintenance of the existing access roadway ("Access Road") located on Altimas Plaza and the northerly margins of Parcel 3 of Partition Plat 2007-12, but not beyond the point where such access road turns to a northerly direction (referred to herein as the "Access Road Terminus") prior to the development of Parcels 1, 2 and 3 of Partition Plat 2007-12. The parties understand and agree that the maintenance rights and responsibilities defined herein with respect to the Access Road apply only to the point of the Access Road Terminus and any maintenance requirements or responsibilities pertaining to such roadway beyond the Access Road Terminus shall be the responsibility of the property owners abutting the roadway beyond the Access Road Terminus. Absent an agreement to the contrary, the owner of the Altimas Plaza parcel shall have no obligation to repair or maintain any part of the Access Road which is not located on the Altimas Plaza parcel.
5. Upon the commencement of development of any of Parcels 1, 2 or 3 of Partition Plat 2007-12, maintenance, repair, and replacement of the Access Road shall be undertaken cooperatively by the owners of the parcels using the Access Road for primary access (including construction services) to their parcel, in accordance with the minimum access standards required by the City of McMinnville, Oregon for private access roadways. Said maintenance shall include maintenance of asphalt or other allowable surfaces, and other drainage and necessary improvements. The owners of the developed parcels shall meet and confer to approve any maintenance, repair, or replacement costs in excess of \$5,000 prior to pursuing such work. The owner of a parcel who has not paid for any maintenance, repair or replacement of the Access Road shall reimburse the owner of the other parcel or parcels for the reimbursing owner's share of costs within ten days after receipt of a billing (with reasonable backup documentation, including contractor invoices) therefor. Unpaid sums shall accrue interest at the rate of 10% per annum. After development of Parcels 1, 2 and 3 of Partition Plat 2007-12 the costs for Access Road maintenance, replacement and repair will be shared fractionally by those parcels which are using the Access Road for primary



access, i.e. 50/50 if one parcel develops, 33/33/33 when two of the parcels develop, and 25/25/25/25 when all three parcels develop and are using the Access Road as primary access.

6. The owners of Parcels 1, 2 and 3 of Partition Plat 2007-12 and Altimas Plaza shall be separately responsible for any costs connected with construction, reconstruction, repair or replacement of any utilities placed by them in the Access Road, or damage to the Access Road from such utility activities, and it shall be the responsibility of such owner undertaking such utility work or utility activity to pay all costs associated with repairing and restoring the Access Road to its present condition existing prior to the undertaking of such utility construction, reconstruction, repair or replacement.

7. The owners of Parcels 1, 2 and 3 of Partition Plat 2007-12 and Altimas Plaza shall have the right to improve, at their sole and separate expense, all or any portion of the Access Road, provided that any other parcel owner subject to this Agreement shall not be required to bear any of the costs for the improvement of such roadway beyond the minimum standards required by the City of McMinnville for a private access roadway unless mutually approved in advance. Upon completion of any such improvement, the owners of the developed parcels shall be responsible in accordance with Section 6 above, for maintenance and upkeep of the improved Access Road, to maintain such roadway surface in such improved condition.

8. The access and utility easement across the southerly margin of Altimas Plaza for the benefit of parcels 1, 2 and 3 of Partition Plat 2007-12, is hereby modified as to the access portion of such easement. Hereafter, such access easement across the southerly margin of Altimas Plaza shall be restricted to access for fire and emergency access purposes only, as well as for utility access purposes, and the owner of Altimas Plaza shall be entitled to install signage consistent with such access restrictions and, subject to compliance with City of McMinnville requirements, to install traffic limiting devices and barriers.

9. General Provisions.

a. Successors and Assigns. The obligations and covenants set forth in this Agreement shall run with the Parcels and shall be a lien on the parcels regardless of who may own said Parcels at the time of such operation, maintenance, repair and/or replacement of the common driveway or utilities.

b. Enforcement: The owners of, mortgagee of or parties lawfully in possession of the Parcels bound by this Agreement shall have the right to enforce all of the covenants, conditions and responsibilities now or hereinafter imposed by any of the provisions of this Agreement as may pertain specifically to such parties or owners by any proceeding at law or in equity. Failure by any owner, party in possession or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter.

c. Severability. Invalidation of any one of these covenants, conditions or responsibilities by judgment or court order shall not affect the other provisions hereof and the same shall remain in full force and effect.

d. Duration. The easements, covenants, conditions and restrictions of this Declaration shall be perpetual and shall run with and bind Parcels 1, 2 and 3 of Partition Plat 2007-12 and Altimas Plaza in accordance with the terms hereof.

e. Indemnification. The owner of a parcel shall defend, indemnify and hold the owner of the other parcel harmless from and against any claim, loss or liability (including reasonable attorneys' fees) to the extent arising out of or in connection with an owner's use of the easement area or failure to comply with the terms, restrictions and provisions of this Agreement.

f. Attorneys' Fees. In the event either Owner shall resort to a court or arbitration to enforce any covenant, term or provision of this Agreement, the prevailing party, on trial or appeal or petition for review or other proceedings, including, without limitation, any arbitration or bankruptcy case or proceedings, shall be entitled to recover from the party not prevailing, in addition to court costs and disbursements therein or damages or awards, such attorneys' fees as the court or arbitrator may adjudge reasonable.

g. Notices. Notices under this Agreement shall be in writing and shall be effective when actually delivered. If mailed, a notice is deemed effective when delivered to the Owner's address, as registered or certified mail, postage prepaid, at the address(es) to which notices of property tax assessments affecting the subject property are mailed by the County Tax Assessor's Office according to the assessor's records, or to such other address as the Owner may designate by written notice to the other.

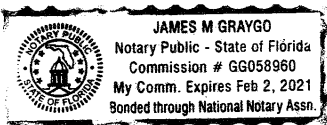
In Witness Whereof, the said parties have hereunto set their hand and seals on the 16<sup>th</sup> day of FEB, 2018.

BURCH FEERO, INC. an Oregon Corporation  
 By: Steve Burch  
 President  
 By: Kurt Feero  
 Secretary

BURCH FEERO PROPERTY I, INC., an Oregon corporation  
 By: Steve Burch  
 President  
 By: Kurt Feero  
 Secretary

STATE OF FLORIDA )  
 ) SS  
 COUNTY OF LEE )

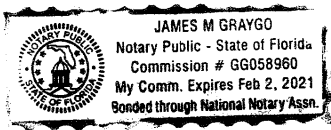
On this 16<sup>th</sup> day of February, 2018, before me, a Notary Public in and for said County, appeared Steven Burch, who being duly authorized executed the foregoing instrument on behalf of the company and acknowledged the same on behalf of Burch Feero, Inc. as said corporation's free act and deed.



James M Graygo  
 Notary Public  
 Lee County, Florida  
 My Commission Expires: 2/2/2021

STATE OF FLORIDA )  
 ) SS  
COUNTY OF LEE )

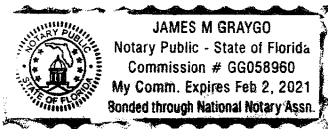
On this 16<sup>th</sup> day of February, 2018, before me, a Notary Public in and for said County, appeared Steven Burch, who being duly authorized executed the foregoing instrument on behalf of the company and acknowledged the same on behalf of Burch-Feero Property I, Inc. as said corporation's free act and deed.



James M Graygo  
Notary Public  
Lee County, Florida  
My Commission Expires: 2/2/2021

STATE OF FLORIDA )  
 ) SS  
COUNTY OF LEE )

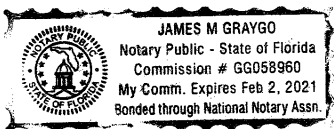
On this 16<sup>th</sup> day of February, 2018, before me, a Notary Public in and for said County, appeared Kurt Feero, who being duly authorized executed the foregoing instrument on behalf of the company and acknowledged the same on behalf of Burch Feero, Inc. as said corporation's free act and deed.



James M Graygo  
Notary Public  
Lee County, Florida  
My Commission Expires: 2/2/2021

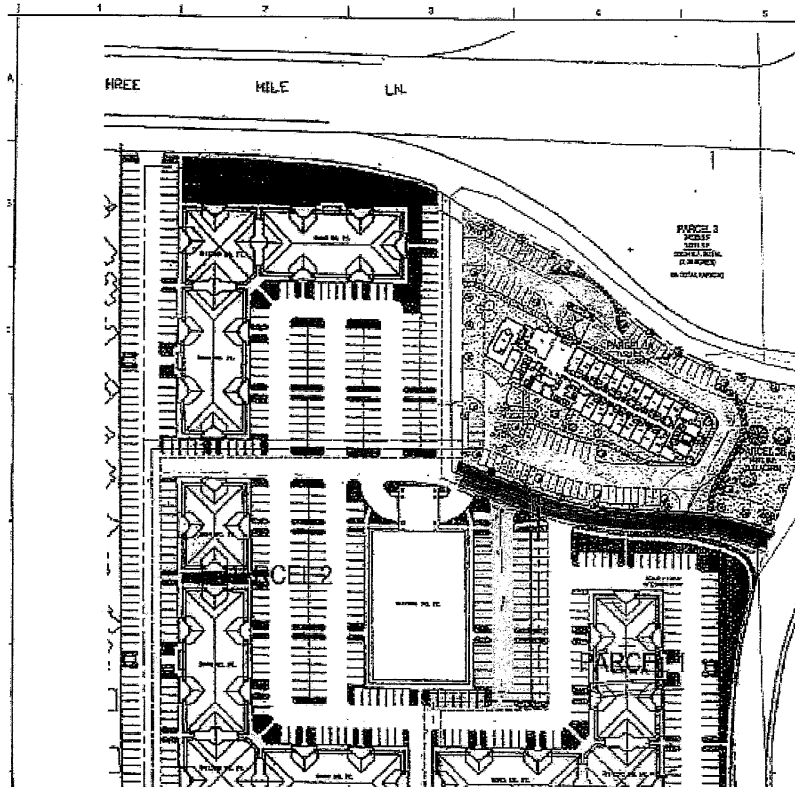
STATE OF FLORIDA )  
 ) SS  
COUNTY OF LEE )

On this 16<sup>th</sup> day of February, 2018, before me, a Notary Public in and for said County, appeared Kurt Feero, who being duly authorized executed the foregoing instrument on behalf of the company and acknowledged the same on behalf of Burch Feero, Property I, Inc. as said corporation's free act and deed.



James M Graygo  
Notary Public  
Lee County, Florida  
My Commission Expires: 2/2/2021

EXHIBIT A



**PARTITION 2001-40**

for: **Burch Feero, Inc. Frontage Road**

City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27, Township 4 South, Range 4 West, Willamette Meridian, within the N. Martin Donation Land Claim No. 83, City of McMinnville, Yamhill County, Oregon.

Tax Lot: 4427-302 & 400

Date: 25 September 2001

**SURVEYOR'S CERTIFICATE**

I, Matt Dunckel, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as Parcels 1, 2 and 3, the boundary of which is described as follows:

Beginning at the INITIAL POINT, a 5/8" Iron Rod with a yellow plastic cap marked "Dunckel LS 1942" set in CS-10518 on the west margin of Norton Lane, said point being held as the southeast corner of Parcel 2 of the BURCH FEERO, INC. tract as recorded in Instrument No. 199923228; thence South 88°54'07" West 24.13 feet to the southwest corner of said Parcel 2; thence North 89°57'11" West 670.96 feet to the southwest corner of Parcel 1 of said BURCH FEERO, INC. tract; thence North 01°16'11" West 770.68 feet to the northwest corner of said Parcel 1, said point being on the southerly margin of Frontage Road; thence South 89°59'29" East 6.80 feet along said southerly margin of Frontage Road; thence South 89°59'29" East 6.80 feet, more or less, along said spiral curve offset and said southerly margin (spiral curve offset chord= South 88°23'52" East 238.00 feet) to the beginning of a curve having a radius of 1409.39 feet and being concave to the south; thence easterly 90.37 feet along said curve and margin (Chord= South 83°21'17" East 90.35 feet); thence South 54°03'22" East 190.34 feet along said southerly margin; thence South 47°57'44" East 81.43 feet along said southerly margin to the beginning of a curve having a radius of 337.00 feet and being concave to the northeast; thence southeasterly 128.29 feet along said curve and margin (Chord= South 58°52'04" East 127.52 feet) to the northwest corner of said Parcel 2; said point being the beginning of a curve having a radius of 337.00 feet and being concave to the northeast; thence southeasterly 66.79 feet along said curve and margin (Chord= South 75°27'04" East 66.68 feet); thence South 81°07'44" East 21.73 feet to the beginning of a curve having a radius of 26.00 feet and being concave to the southwest; thence Southeasterly 42.78 feet along said curve (Chord= South 33°59'47" East 38.11 feet) to a point on the westerly margin of Norton Lane, said point being the beginning of a curve having a radius of 730.16 feet and being concave to the northwest; thence southwesterly 75.91 feet along said curve (Chord= South 16°08'52" West 75.88 feet) and margin; thence South 19°05'36" West 112.60 feet along said margin to the beginning of a curve having a radius of 521.47 feet and being concave to the southeast; thence Southwesterly 183.77 feet along said curve and margin (Chord= South 8°59'51" West 182.82 feet); thence South 1°05'53" East 138.38 feet to the POINT OF BEGINNING, containing 11.60 acres, more or less.

*Matt Dunckel*

Matt Dunckel, Oregon PLS 1942  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 472-7904  
Fax: 472-0367

**Legend**

- = monument found, flush to 0.2" down, in good condition and per CS-10518 unless otherwise stated.
- ✕ = monument found in monument box per CS-10518.
- = set 5/8" iron rod with yellow plastic cap marked "Dunckel PLS 1942"
- ( ) = data of record per CS-10518 unless otherwise stated.
- = New or Existing Easement
- = New or Existing Easement

This is an exact copy of the original partition plat.

REGISTERED PROFESSIONAL LAND SURVEYOR

*Matt Dunckel*  
OREGON  
MATTHEW E. DUNCKEL  
1942

Renewable 31 December 2001  
Drawn By: Nathan Magness

By: Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 472-7904  
Fax: 472-0367  
E-mail: dunckel@spessart.com

Found 5/8" Iron Rod with cap marked "Dunckel LS 1942" per CSP-10482. Held as the SW corner of the BURCH FEERO, INC. tract.

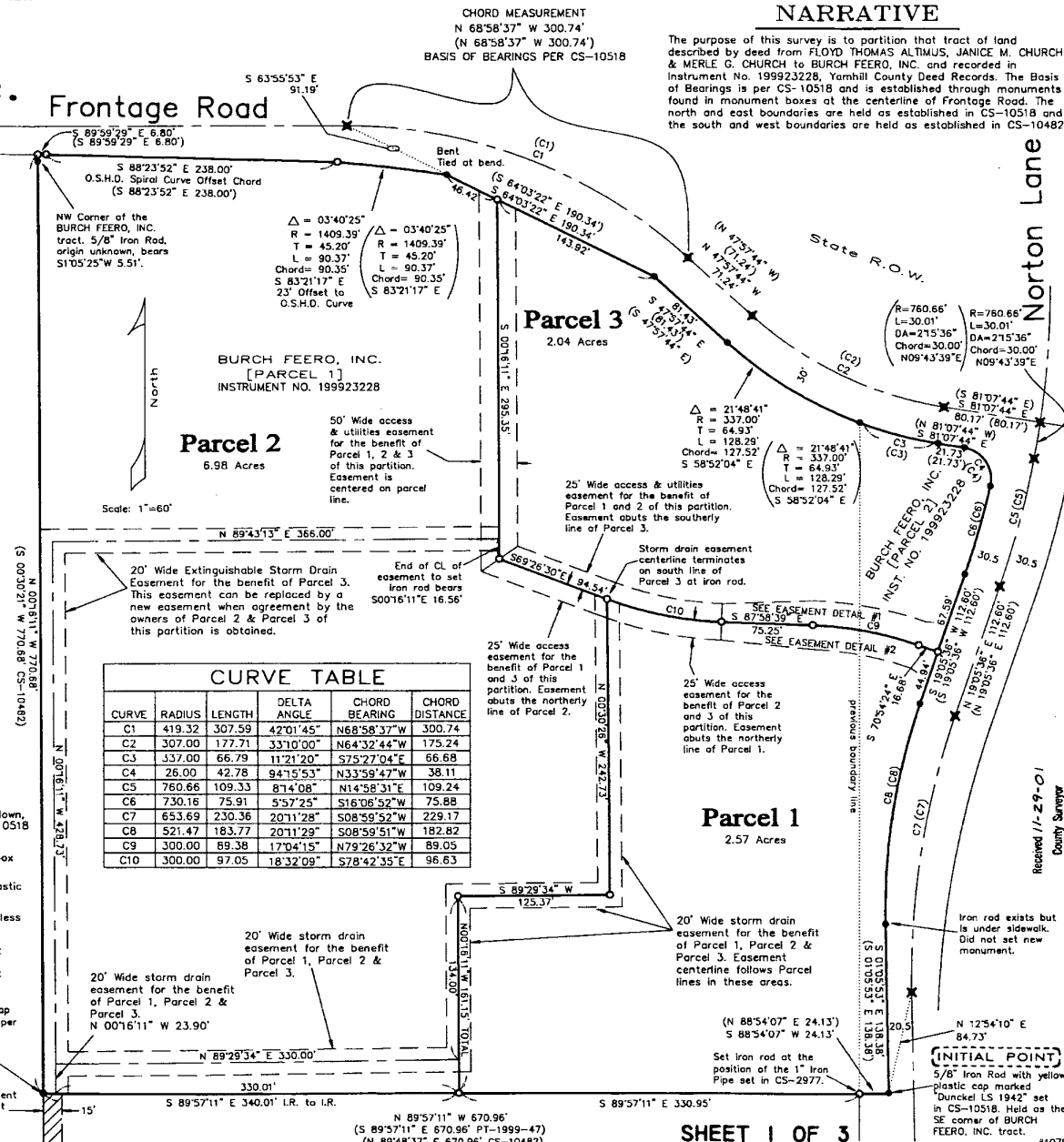
Existing 15" wide drainage way easement per Instrument No. 1998-16670. Easement benefits Parcels 1, 2 & 3 of this partition.

CURVE	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD DISTANCE
C1	419.32	307.59	42°01'45"	N68°58'37"W	300.74
C2	307.00	177.71	33°10'00"	N64°32'44"W	175.24
C3	337.00	66.79	11°21'20"	S75°27'04"E	66.68
C4	26.00	42.78	94°15'53"	N33°59'47"W	38.11
C5	760.66	109.33	8°14'08"	N14°58'31"E	109.24
C6	730.16	75.91	5°57'25"	S16°08'52"W	75.88
C7	653.69	230.36	20°11'28"	S08°59'52"W	229.17
C8	521.47	183.77	20°11'29"	S08°59'51"W	182.82
C9	300.00	89.38	17°04'15"	N79°26'32"E	89.05
C10	300.00	97.05	18°32'09"	S78°42'35"E	96.63

CHORD MEASUREMENT  
N 68°58'37" W 300.74'  
(N 68°58'37" W 300.74')  
BASIS OF BEARINGS PER CS-10518

**NARRATIVE**

The purpose of this survey is to partition that tract of land described by deed from FLOYD THOMAS ALTIMUS, JANICE M. CHURCH & MERLE G. CHURCH to BURCH FEERO, INC. and recorded in Instrument No. 199923228, Yamhill County Deed Records. The Basis of Bearings is per CS-10518 and is established through monuments found in monument boxes at the centerline of Frontage Road. The north and east boundaries are held as established in CS-10518 and the south and west boundaries are held as established in CS-10482.



**SHEET 1 OF 3**

PARTITION 2001-40

Received 11-29-01  
County Surveyor

**PARTITION 2001-40**

for: **Burch Feero, Inc.** Frontage Road

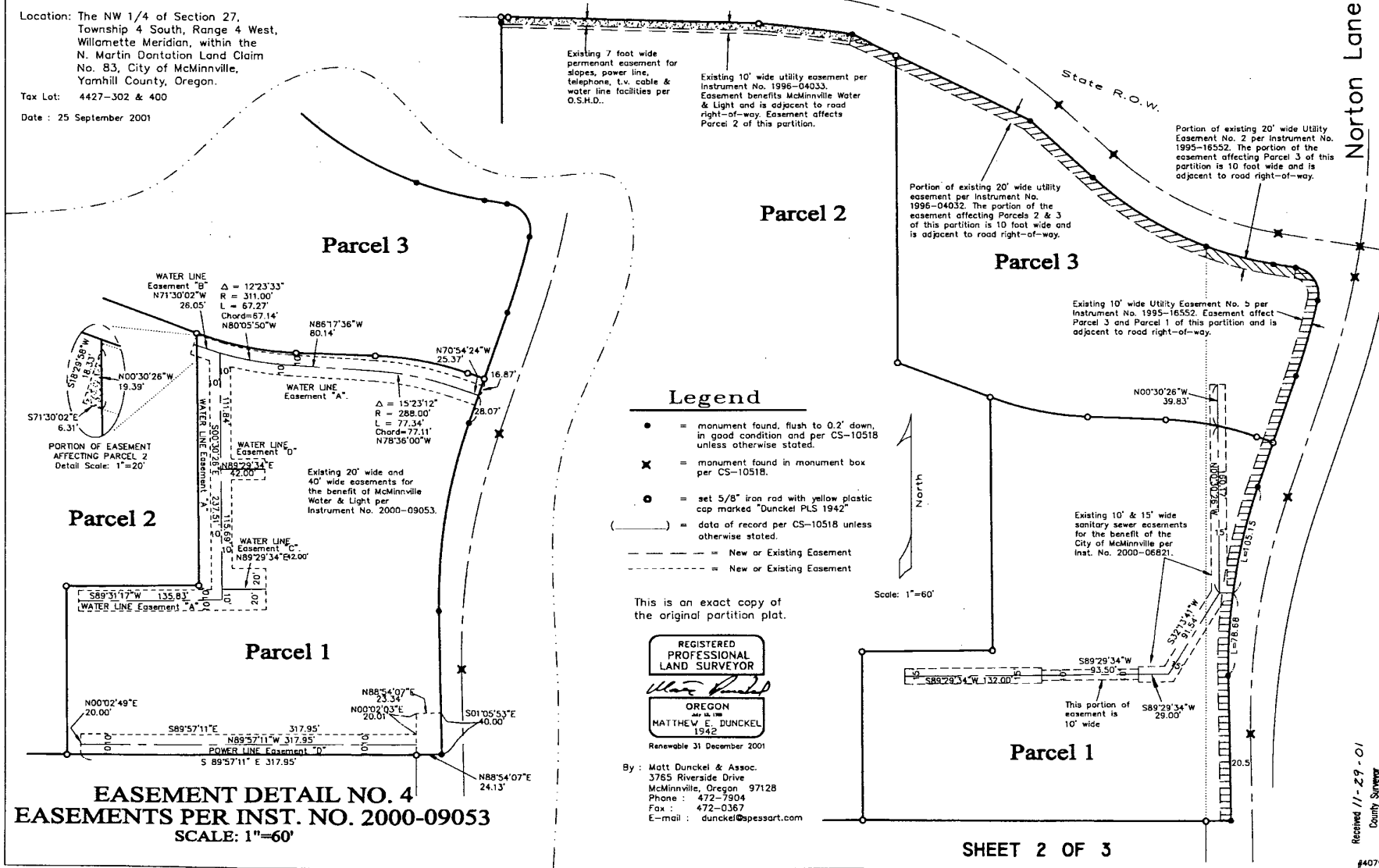
**EASEMENT DETAIL NO. 5**  
SCALE: 1"=60'

City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27,  
Township 4 South, Range 4 West,  
Willamette Meridian, within the  
N. Martin Donation Land Claim  
No. 83, City of McMinnville,  
Yamhill County, Oregon.

Tax Lot: 4427-302 & 400

Date: 25 September 2001



Existing 7 foot wide permanent easement for slopes, power line, telephone, l.v. cable & water line facilities per O.S.H.D.

Existing 10' wide utility easement per Instrument No. 1996-04033. Easement benefits McMinnville Water & Light and is adjacent to road right-of-way. Easement affects Parcel 2 of this partition.

State R.O.W.

Portion of existing 20' wide Utility Easement No. 2 per Instrument No. 1995-16552. The portion of the easement affecting Parcel 3 of this partition is 10 foot wide and is adjacent to road right-of-way.

Portion of existing 20' wide utility easement per Instrument No. 1996-04032. The portion of the easement affecting Parcels 2 & 3 of this partition is 10 foot wide and is adjacent to road right-of-way.

Existing 10' wide Utility Easement No. 5 per Instrument No. 1995-16552. Easement affects Parcel 3 and Parcel 1 of this partition and is adjacent to road right-of-way.

**Parcel 3**

**Parcel 2**

**Parcel 3**

**Parcel 2**

**Parcel 1**

**Legend**

- = monument found, flush to 0.2' down, in good condition and per CS-10518 unless otherwise stated.
- ✕ = monument found in monument box per CS-10518.
- = set 5/8" iron rod with yellow plastic cap marked "Dunckel PLS 1942"
- ( ) = data of record per CS-10518 unless otherwise stated.
- - - = New or Existing Easement
- = New or Existing Easement



Scale: 1"=60'

This is an exact copy of the original partition plot.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
MATTHEW E. DUNCKEL  
1942

Renewable 31 December 2001

By: Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 472-7904  
Fax: 472-0367  
E-mail: dunckel@peasart.com

**EASEMENT DETAIL NO. 4**  
**EASEMENTS PER INST. NO. 2000-09053**  
SCALE: 1"=60'

**Parcel 1**

**SHEET 2 OF 3**

PARTITION 2001-40  
County Surveyor  
Received 11-29-01

**PARTITION 2001-40**  
for: **Burch Feero, Inc.**

City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27,  
Township 4 South, Range 4 West,  
Willamette Meridian, within the  
N. Martin Donation Land Claim  
No. 83, City of McMinnville,  
Yamhill County, Oregon.

Tax Lot: 4427-302 & 400

Date: 25 September 2001

**APPROVALS :**

*David S. Stern* 10/14/2001  
Yamhill County Surveyor

*David S. Stern* 10/14/01  
City of McMinnville Surveyor

*David S. Stern* 10/15/01  
City of McMinnville Planning Director

Pursuant to O.R.S. 92.095.  
Taxes have been paid or bond  
posted to this  
date 6-30-2002  
*Jane Johnson*  
Yamhill County Tax Collector  
11/20/01

**DECLARATION**

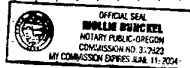
KNOW ALL MEN BY THESE PRESENTS that we BURCH FEERO, INC.,  
an Oregon Limited Liability Corporation, is the owner of the lands  
represented on the attached map and more particularly described in the  
Surveyors Certificate and have caused said lands to be partitioned into  
the 13 parcels and easements as shown.

*Steve Burch*  
STEVE BURCH  
General Partner, BURCH FEERO, INC.

**ACKNOWLEDGMENT**

Notary Public *Mattie Dunckel*

STATE OF OREGON )  
COUNTY OF YAMHILL ) ss.



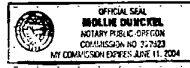
On this day the 29<sup>th</sup> of Sept, 2001, did personally appear  
STEVE BURCH, in the capacity shown in the above Declaration, who  
being duly sworn, did say that he is the identical person named in the  
forgoing instrument and that he executed said instrument freely and  
voluntarily.

*Kurt Feero*  
KURT FEERO  
General Partner, BURCH FEERO, INC.

**ACKNOWLEDGMENT**

Notary Public *Mattie Dunckel*

STATE OF OREGON )  
COUNTY OF YAMHILL ) ss.



On this day the 24<sup>th</sup> of Sept, 2001, did personally appear KURT  
FEERO in the capacity shown in the above Declaration, who being duly  
sworn, did say that he is the identical person named in the forgoing  
instrument and that he executed said instrument freely and voluntarily.

**Notes**

- 1) All parcels have legal access to the public roads.

OFFICIAL: YAMHILL COUNTY RECORDS  
CHARLES STERN, COUNTY CLERK

200121026 9:18:21 AM 11/20/2001

PR-PARPR Cnt=1 Str=3 SUSAN  
\$45.00 \$19.00 \$11.00

\$66.00

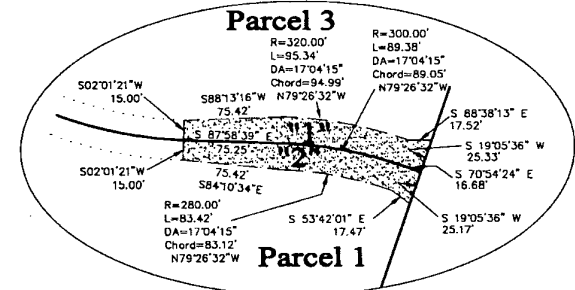
Yamhill County Clerk  
This is an exact copy of  
the original partition plat.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Matt Dunckel*  
OREGON  
MATTHEW E. DUNCKEL  
1942

By: Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 472-7904  
Fax: 472-0367  
E-mail: dunckel@pessart.com

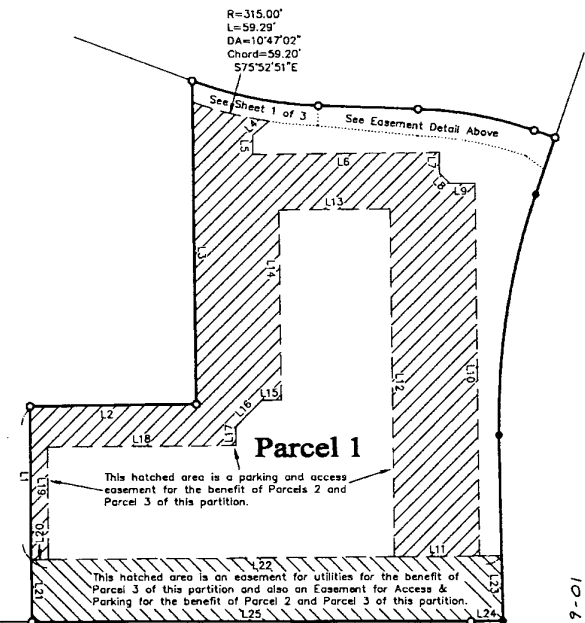
Renewable 31 December 2001



"1" = Access & Utility Easement for the benefit of Parcel 1 & 2 of this partition.

"2" = Access Easement for the benefit of Parcel 2 & 3 of this partition.

**EASEMENT DETAIL #1 & #2**  
SCALE: 1"=60'



**EASEMENTS DETAIL NO. 3**  
SCALE: 1"=60'

LINE	BEARING	DISTANCE
L1	N00°16'11"W	114.67
L2	N89°28'34"E	125.37
L3	N00°30'26"W	226.72
L4	S49°41'49"W	16.09
L5	S00°30'20"E	14.47
L6	N89°28'34"E	140.50
L7	S00°30'26"E	16.00
L8	S45°30'26"E	10.61
L9	N89°28'34"E	19.00
L10	S00°30'26"E	279.53
L11	S89°43'23"W	64.00
L12	N00°30'26"W	260.77
L13	S89°28'34"E	84.00
L14	S00°30'26"E	142.50
L15	S88°45'50"W	14.96
L16	S44°28'34"W	27.37
L17	S00°15'31"W	14.24
L18	S89°43'49"W	141.92
L19	S00°16'11"E	84.03
L20	S89°43'23"W	13.00
L21	N00°16'11"W	46.48
L22	N89°43'23"E	354.38
L23	S01°05'53"E	48.01
L24	S88°54'07"W	24.13
L25	N89°57'11"W	330.95

PARTITION 2001-40

Received 11-29-01  
County Surveyor

#4079

**APPLICANT RESPONSE:** For this site, the allowable residential density of the C-3 zone is noted as a standard for the R-4 zone, specifically, in 17.21.060, Density requirements:

*17.21.060 Density requirements.*

*In an R-4 zone, the maximum density for single attached dwelling may not exceed four dwelling units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units.*

Based on this applicable standard of the R-4 zone, four dwelling units per every 5,000 square feet would equate to 243 units based on the site size of 304,920 square feet. The proposed density for the project is 175 units and is, therefore, within the allowable density for the site.

**17.51.030 Procedure.**

*The following procedures shall be observed when a planned development proposal is submitted for consideration:*

*A. An applicant shall submit 21 copies of a preliminary development plan to the commission for study at least 30 days prior to the commission meeting at which it is to be considered. The preliminary plan shall include the following information:*

- 1. Proposed land uses, building locations and housing unit densities.*
- 2. Proposed circulation pattern indicating the status of street ownership.*
- 3. Proposed open space uses.*
- 4. Proposed grading and drainage pattern.*
- 5. Proposed method of water supply and sewage disposal.*
- 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.*
- 7. Relation of the proposed development to the surrounding area and the comprehensive plan;*

**APPLICANT RESPONSE:** This application package includes a Plan Set and supplemental materials which include the required information noted in items A.1-7 above.

*B. Prior to discussion of the plan at a commission meeting, copies shall be submitted by the planning director to city departments for study and comment;*

**APPLICANT RESPONSE:** This is understood by the Applicant.

*C. The commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the commission shall need to determine that:*

- 1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT RESPONSE:** The majority of this Plan Amendment is in full compliance with the variety of policies and code standards applicable to this site.



However, as the project has been further refined from what was initiated with the adoption of Ordinance #5095, there are special objectives of development which warrant the following requested departures from the standard regulations.

These objectives of development include the incorporation of the newly adopted Three Mile Lane Plan and the Residential Design and Development Standards in Chapter 17.11. As a result of the application of both the Three Mile Lane Plan and the Standards in Chapter 17.11, the following modifications have been proposed which maintain the project's compatibility in light of each of the associated policies and standards as outlined in Section II of this application.

The requests are as follows:

- 17.11.090.D.4.f.3 Parking Lot Location
- 17.11.090.D.6.b.1 and b.2 Private Open Space
- 17.11.090.D.11.b.5 Compatibility, Step back
- 17.11.090.D.12.B.3. Wall and Roof Design, Main Entrance

### **Parking Lot Location**

#### **17.11.090.D.4.f.3**

This request is to provide off-street parking within 10 feet of a property line (internal property line) as a modification to Section 17.11.090.D.4.f.3 Parking lot location, at a portion of the eastern property line.

*4.f.3 Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

This parking area is a non-conforming situation which predates the current zoning code. There is no alleyway here, although the length of the private access drive serves access to a larger parking area. In this situation, the parking area is directly adjacent to another existing parking area on the opposite side of the property line.

There is an existing access/parking/maintenance agreement and easement between the two properties, to the benefit of the adjacent property owner. This is a special condition which warrants additional flexibility.

To mitigate for any visual hardship associated with a larger than average section of off-street parking, landscaping has been provided both within the existing parking area and along the eastern property line. In addition, the area of auto parking has been mitigated by the development of a community garden at that side of the property as well. The provision of additional landscaping within the parking area, and within the overall project area is a public benefit, as landscaping provides benefits to the micro-climate within parking areas, encouraging shade, reduces heat-island effects and provides opportunities for stormwater management.

Although the location of the off-street parking in this location, does not meet the letter of the code, the situation which it is trying to protect (buffering an adjacent property from off-street

parking) is not present in this situation. In this situation, there is an existing parking area on the opposite side of the property line. Therefore, the conditions for a buffered area don't exist because there is parking area directly adjacent to parking area.

### **Private Open Space**

#### **17.11.090.D.6.b.1 and b.2 Private Open Space**

This request is to provide both private and semi-private open space for every residential unit. For detailed information about the provision of private open space, see Sheet G1.13, Open Space Diagram. The requirement is noted below:

#### *b. Required Elements.*

*1. All units shall have a minimum of 36 square feet of private open space that allows for personalization and private use of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase airflow and provide the ability to control access to the outdoors.*

*2. At least 50 percent of upper units shall have a balcony that is accessible from the interior of the unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.*

For this project, all of the ground floor units, a total of 55 units of varying sizes (1, 2 and 3 bedroom) will have private, covered patio spaces. These patios at the ground floor are six feet deep and 10 feet wide, for a total of 60 square feet—this is 66% more than the requirement of 36 square feet. Additionally, the requirement does not specify whether or not the balconies are to be covered, which, increases their useability and functionality. The standard is being exceeded for the ground floor units.

For the upper floors, the project design is providing semi-private open space for all 120 upper-story units. The dimensions of these semi-private, covered, spaces will be about 80 square feet and result in a space that is useable and functional. This option will enable all of the upper floor units to have direct access to a balcony at the same level, rather than only half the units as noted by the requirement in b.2.

This request, for 100% of the upper units, is in conjunction with the supplemental element of this requirement, this project is pursuing option c.3, *Alternative option that meets the concept and guiding principles.*

In a review of the request, it is important to look to the characteristics of Private Open Space as follows:

#### *Characteristics.*

1. *Every dwelling needs private open space for **relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.***

For this project, the unit count is a variety of 1,2 and 3 bedroom units. As the characteristics note, 'private open space may take many forms based on the size of the unit', this project has provided a large open space for all units, regardless of the size of the unit.

For the semi-private open spaces at the upper floors, the access to fresh air, light and nature is maintained by the project's proposal.

2. *They should translate into a **perception of an increase in living space and the ability to invite the outdoors in.** Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should **be adequate to be usable**, allowing space for a chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up.*

For the semi-private open spaces at the upper floors, the access to the space is and its perception of being part of the outdoors is maintained. Specifically, each cluster of units on a floor (with no more than four) would be provided a shared space. Spatially, the physical distance to the balcony is closer than the furthest point of the unit itself. This translates that it is not a burden or a challenge to access the balcony space, it continues to be accessible. Additionally, the larger size of the balcony area encourages its useability as described above. The consideration is that the balcony areas will primarily be used by the people living directly adjacent to them, but the size of the balconies at 80 square feet, can also provide space for neighbors to come together. The types of units accessing the semi-private balconies vary, but it is not limited to one unit type: it is a mix of 1-2 and 3 bedroom units.

3. *Private open space should enhance the residential function of the building while also **improving the appearance of the building.** They should be integrated into the overall architectural form and add detail to the façade.*

As described, the project uses a combination of simple building forms and appropriately sized detail elements to create a human scale. The project limits protrusions, which enables one to focus on the clear and coherent massing. This creates a cohesive design that relates to the farming and industrial buildings of the Three Mile context. This approach has been applied to the provision of the private open space. By regulating the number of three-story balcony elements in the facades and the patio spaces as covered structures, the design strikes a balance between functionality and integrating into the overall architectural expression of the buildings. This approach meets this design criteria.

4. *Placement can vary based on privacy concerns. It can be combined across multiple floors.*

Placement for the ground floor units in terms of privacy has been a consideration in their design. The landscaping between the patios and the common open space will provide a transitional zone between the dwelling units and the public areas of the project for the units that are facing the central common open space. For the units that are facing outward to the

private access road or parking areas there will be landscaping and a low wall to provide a transitional zone between the dwelling units and the sidewalks.

Placement for the semi-private open spaces on the upper floors has been combined between units, rather than across multiple floors. In this manner, the useability and functionality of the private open space has been encouraged: rather than provide small, step-out, Juliet-style balconies, as described by the supplemental option, this project has chosen to provide larger than required spaces that will allow for additional outdoor space and functionality. The functionality of all these open spaces will be enhanced by their ability to be covered and provide protection from the elements.

Lastly, in light of this request, it is important to note how, overall, the project is exceeding the amount of Common Open Space required for the project. As described, the common open spaces provided are a variety of open and covered spaces. For covered spaces, there will be a large porch area at the Common Building and a large porch by the laundry. These spaces, in conjunction with the private open spaces will all work together to provide a variety of covered gathering spaces for residents, at a variety of scales, enabling useability during all weather.

### **Compatibility, Step back**

17.11.090.D.11.b.5

This request is to maintain the building wall at the upper floors in lieu of providing a step-back as noted by the requirement below:

*5. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.*

This requirement assumes a building wall at the street frontage. In this project's site, the buildings are already setback from the street.

The characteristic associated with this requirement is still being met by the design:

- a. New multi-dwelling housing **should be compatible with its surrounding context** while introducing new shape, size, and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.*

As shown on the Sheet G1.31, Elevations, provided with this application, the project is compatible with the surrounding context. The majority of the buildings have a suburban character, setback from the street. In this case, Stratus Village balances that context and creates a neighborhood context, by reducing the visual impact of the upper floors by providing ample setbacks. These setbacks also work to ensure compatibility with the surrounding developments, specifically, the residential development to the west.

### **Wall and Roof Design, Main Entrance**

17.11.090.D.12.B.3.B

Stratus Village Planned Development Amendment, Three Mile Lane Design Review and Landscape Plan Review 65  
Concurrent Application Narrative  
May 24, 2023

This request is to reduce the amount of street-facing entrances on the front façade of the building. For this project, the main entrances of the buildings which face SE Stratus are all facing towards to center of the site. As noted previously, the goal for this project’s design was to balance the interest in creating a presence on SE Stratus while facing outward with the importance of creating sizeable community areas at the center of the site. On balance, the design creates both differentiation at the street (landscaping, pedestrian pathways and other cues) while maintaining a focus at the central community area at the Meadow and other common open space areas.

*B.3. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.*

As with previous requests, it is important to look to the Characteristics associated with this subsection, and note that this project and its design continues to meet the characteristics and therefore, the intent, of the standard.

*A. Characteristics.*

*1. For buildings that front the street, **avoid long, monotonous, uninterrupted walls.** Modulate buildings walls and roofs to prevent large, uninterrupted walls and building mass.*

*2. **Differentiate between the base of the building and the top of the building** to enhance the pedestrian realm. Make **base treatment cohesive across façades** and integrate with the architectural character of the building.*

The treatment of the design continues to avoid long, uninterrupted walls: it does this by providing a variation in building, in building scale and in its distance to the street frontage on SE Stratus. This variation also includes the provision of a variety of landscaping at a variety of scales, which also help to buffer the pedestrian along SE Stratus.

*3. Multi-dwelling development must address the following design objectives:*

*A. Articulation – All street-facing buildings shall incorporate design elements that break up façades into smaller planes.*

*B. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.*

*C. Main entrance – On street-facing façades, at least one main entrance must meet standards for **location, orientation, and visibility.***

*D. Detailed Design – All street-facing buildings shall include several features.*

These Characteristics are continuing to be addressed by providing a variety of articulation, window areas and detailed design along all the frontages which face SE Stratus. For example, the design exceeds the overall number of Detailed Design elements also required in this code section. Material and color choices also provide design elements which support the project’s orientation and visibility from SE Stratus. See the series of building elevations for all building facades as provided with this application plan set for details on the materials and facades associated with each facade.

As a result of the pedestrian pathways, overall site access points and landscaping/wayfinding clues, the project's overall orientation and visibility for residents, guests and visitors is being maintained.

*2. Resulting development will not be inconsistent with the comprehensive plan objectives of the area;*

**APPLICANT RESPONSE:** As described in Section II of this application, this project can be shown to meet the objectives of the Comprehensive Plan, including those noted in Comprehensive Plan Policies, Volume II, Chapter V HOUSING AND RESIDENTIAL DEVELOPMENT. Addressed in Section II of this application. These include the project's ability to provide for a wide range of housing types at a variety of affordability levels; the ability of the project to provide for a substantial quantity of open space that has been well-designed for programming and aesthetics and the project provides for a high degree of compatibility when viewed in light of the neighborhood and this area of the City.

Additionally, the Three Mile Area Plan included design guidelines that reflected the Three Mile Lane's pattern area as well as a reflection on the Great Neighborhood Principles. Both of these policy documents' content has been reflected in the project's overall design, as provided in Section II. These policy documents are also noted, where applicable, in each of the responses to the criteria for this project.

*3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT RESPONSE:** The requested modifications from the City's code regarding design from the Residential Design Standards in 17.11 and the request for landscaping reduction in 17.57 will not impede the project's ability to provide for adequate access and efficient provision of services to the surrounding parcels. Additionally, as described previously, the provision of services such as stormwater improvements will improve access and provision of these services to adjacent parcels.

Public right-of-way improvements along Stratus Avenue are anticipated to include the retainage of the existing concrete curb and gutter along the south side of Stratus Avenue, with the development of a new 10-foot wide concrete sidewalk constructed to directly abut the existing curb. Improvements also include a single ADA ramp at the corner of Stratus and the Private Access Drive, directing pedestrians across the private drive. This improvement, as required by city of McMinnville Zoning Code specific to a Minor Collector, which is the designation of Stratus Avenue, will trigger a required right-of-way dedication in the amount of a to-be-determined amount. This dedication and proposed improvement will also require the shift and re-recording of (2) existing easements that overlap and run parallel with the existing north property line. These easements include a 7-foot wide slope, power, communication and water easement, and a separate 10-foot utility easement.

*4. The plan can be completed within a reasonable period of time;*



CITY OF MCMINNVILLE  
Community Development Department  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, THREE MILE LANE REVIEW, AND LANDSCAPE PLAN FOR PROPERTY AT 235 SE NORTON LANE, (TAX LOTS R4427 400, 404, AND 405)**

**DOCKET:** PDA 2-23 (Planned Development Amendment)  
TML 1-23 (Three Mile Lane Review)  
L 25-23 (Landscape Plan Review)

**REQUEST:** Applications for a Planned Development Amendment (PDA 2-23), Three Mile Lane Review (TML 1-23), and Landscape Plan Review (L 25-23)

The requests are summarized below. The applications are submitted as part of a proposal by Housing Authority of Yamhill County (HAYC) to develop a new 175-unit apartment development, "Stratus Village," on properties totaling approximately 6.5 acres.

**PDA 2-23.** The subject property is subject to an existing Planned Development Overlay Ordinance. The proposal includes revisions to the original Planned Development master plan, which requires approval of a Planned Development Amendment. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance.

**TML 1-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

**L 25-23.** The proposal includes a landscape plan, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

**NOTE:** *The applicant has also separately submitted an application for a parcel consolidation to combine the three parcels into a single parcel.*

**LOCATION:** Address: 235 SE Norton Lane  
Map & Tax Lot: R4427 400, 404, and 405

**ZONING:** C-3 PD

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Attachments:  
Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

**APPLICANT:** Structure Development Advisors LLC, c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC)

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** July 13, 2023

**DECISION MAKING BODY & ACTION:** The McMinnville Planning Commission makes the decision on the application. The Planning Commission’s decision is the final local decision unless their decision is appealed to City Council.

**HEARING DATE & LOCATION:** August 17, 2023

This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

**Meeting Location:**  
McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128

**Zoom Online Meeting:**  
<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFHeFd mK2pZUmJNdkdSZz09>

**Meeting ID:** 893 6863 4307 **Passcode:** 989853

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

**Phone:** +1 253 215 8782, **Meeting ID:** 893 68634307

**PROCEDURE:** For consolidated application review, the applications are processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. As specified in Ordinance 5095, the Planning Commission makes the final local decision, unless their decision is appealed to City Council.

**CRITERIA:** McMinnville Municipal Code (MMC) and Other Ordinance Sections:  
-Planned Development Amendment: MMC 17.74.070 & Ord. 5095  
-Landscape Plan: MMC 17.57.070  
-Three Mile Lane Review: Ord. 4131 as subsequently amended

Applicable Comprehensive Plan Goals and Policies are criteria for land use decisions.

**APPEAL:** The Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed as specified in Section 17.72.180 of the Zoning Ordinance. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal. A

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Attachments :  
Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment





**I. APPLICATION SUMMARY:*****Subject Property & Request***

The subject property is approximately 6.5 acres located at 235 NE Norton Lane, south of Stratus Avenue and west of Norton Lane. The property is zoned C-3 PD. Evergreen mobile home park is located to the west, Comfort Inn and Suites, the Diner, and Altimus Plaza are located to the east, and property to the south is currently vacant. **See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.**

Three applications were submitted as part of this proposal, which are reviewed through a consolidated concurrent review process. The applications are: Planned Development Amendment (PDA 2-23), Three Mile Lane Review (TML 1-23), and Landscape Plan Review (L 25-23).

The requests are summarized below. The applications are submitted as part of a proposal by Housing Authority of Yamhill County (HAYC) to develop a new 175-unit apartment development, "Stratus Village." **Figure 3.**

**PDA 2-23.** The subject property is subject to an existing Planned Development Overlay Ordinance which includes the subject properties and adjacent properties. The proposal includes revisions to the original Planned Development master plan for the subject properties, which requires approval of a Planned Development Amendment. The master plan for the subject properties will replace the existing plan for medical offices with the proposed plan for apartments. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance. The original Planned Development Ordinance 4667 was amended by Ordinance 5095 in 2020.

**TML 1-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

**L 25-23.** The proposal includes a landscape plan, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

The applicant will apply for sign permits at a later time. Upon submittal of the application, signage will be reviewed for compliance with applicable provisions including MMC 17.62, specific provisions regarding signage addressed in Ordinance 5095, and sign provisions of the Three Mile Lane Planned Development Overlay (Zone 3).

**NOTE:** *The applicant has also separately submitted an application for a parcel consolidation to combine the three existing parcels into a single parcel.*

Ordinance 5095 includes 22 conditions, including provisions addressing the Planned Development master plan and its amendment. The property is also located within the Three Mile Lane Planned Development Overlay (Ordinance 4131/4572), within the boundary of the new Three Mile Lane Area Plan (adopted by Ordinance 5126), and the Horizontal Surface Area of Airport Overlay Zone (MMC 17.52). The applicable criteria and standards for the applications are summarized in the table below.

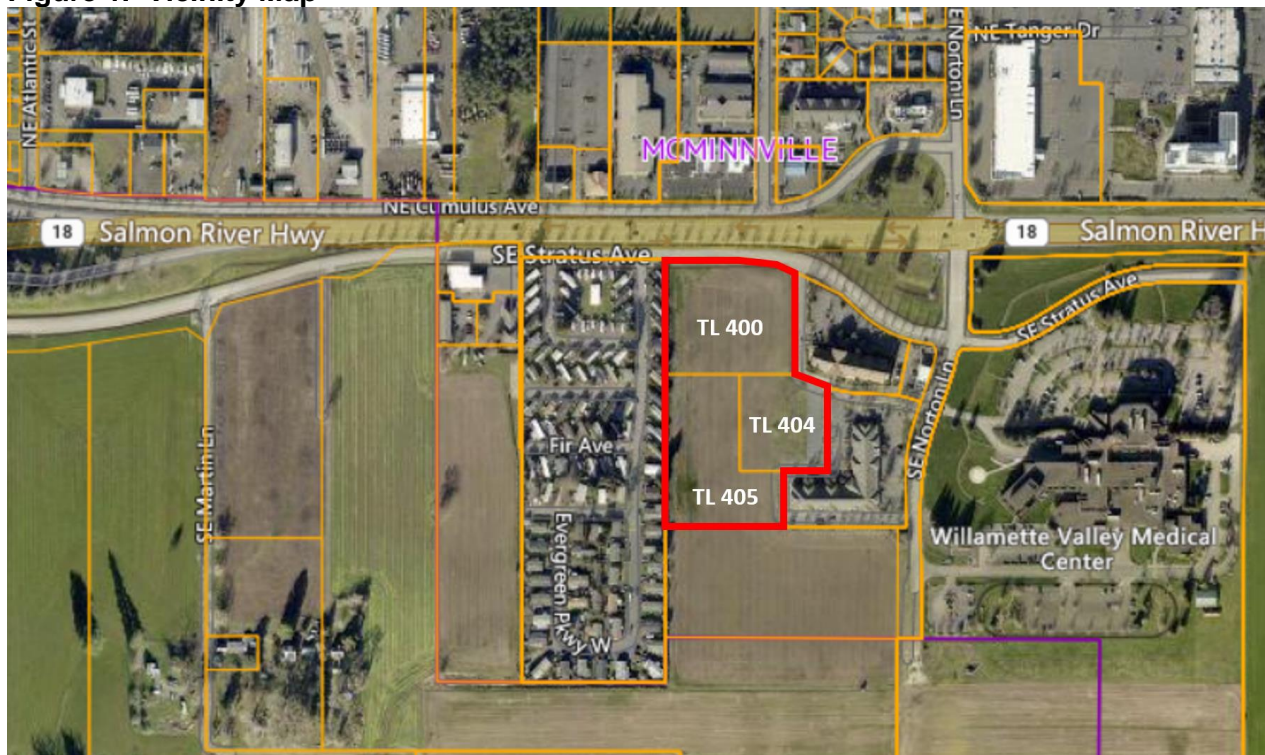
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Attachments :

Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

Criteria and Standards	Application			
	PDA 2-23	TML 1-23	L 25-23	Sign Permit Application (later submittal)
Planned Development Ordinance, Ord. 5095	X		X	X
Three Mile Lane Planned Development Ordinance, Ord. 4131 as amended	X	X		X
Comp Plan Goals and Policies Volume 2, Goals and Policies (including Great Neighborhood Principles)	X	X		
Three Mile Lane Area Plan, Policies (adopted by Ord. 5126)	X	X	X	
<b>Zoning Ordinance (Title 17 of the McMinnville Municipal Code):</b>				
MMC 17.11. Residential Design and Development Standards	X			
MMC 17.33. C-3 Zone	X			
MMC 17.51. Planned Development Overlay	X			
MMC 17.52. Airport Overlay Zone	X			
MMC 17.54. General Provisions	X			
MMC 17.57. Landscaping			X	
MMC 17.58. Trees			X	
MMC 17.60. Off-Street Parking and Loading	X			
MMC 17.61. Solid Waste and Recycling Enclosure Plan	X		X	
MMC 17.62. Signs				X
MMC 17.74.070. Planned Development Amendment Criteria	X			

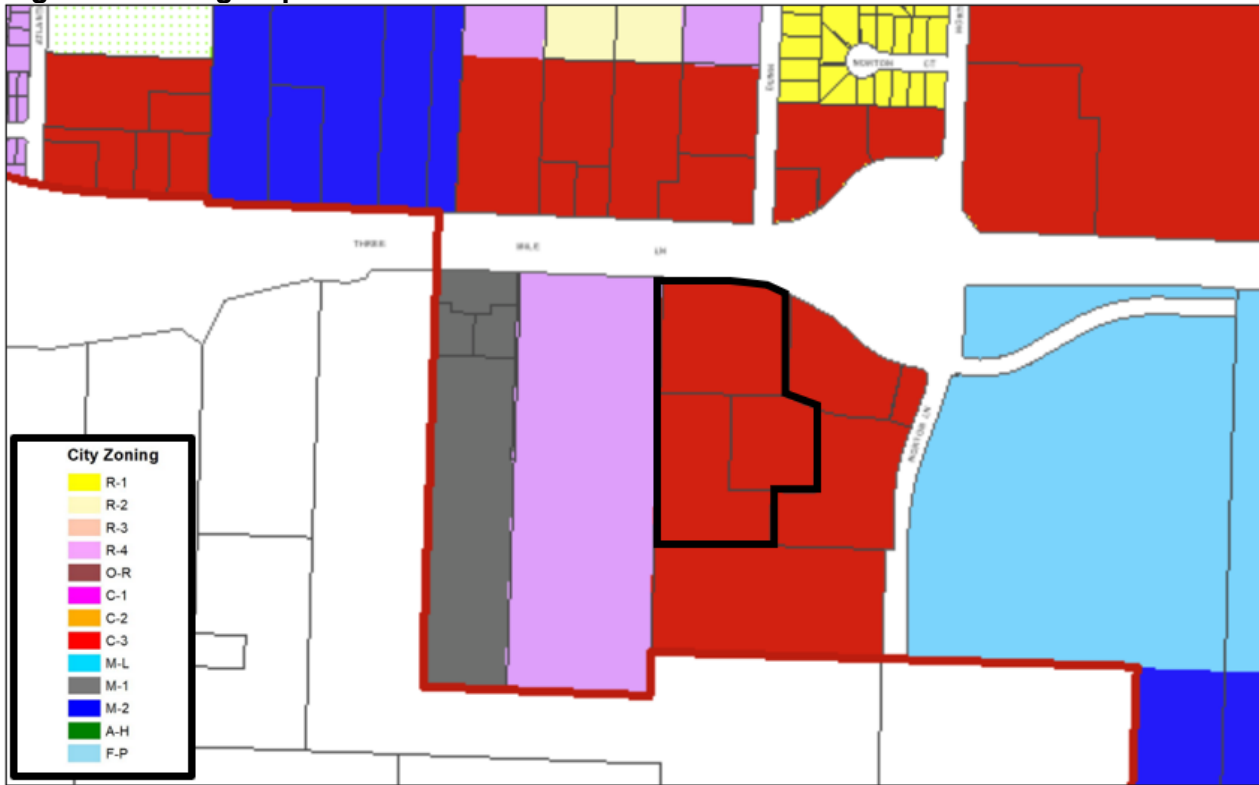
Figure 1. Vicinity Map



Attachments :

Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

Figure 2. Zoning Map



Attachments :  
Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

**Figure 3a. Proposed Master Plan – Site and Landscape Plan Summary**  
**(See applications for detailed plans).**



Attachments :

Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

**Figure 3b. Proposed Plan - Perspective View Looking South**



**Figure 3c. Proposed Plan - Perspective View Looking North Toward Open Green Space/ Commons "A"**

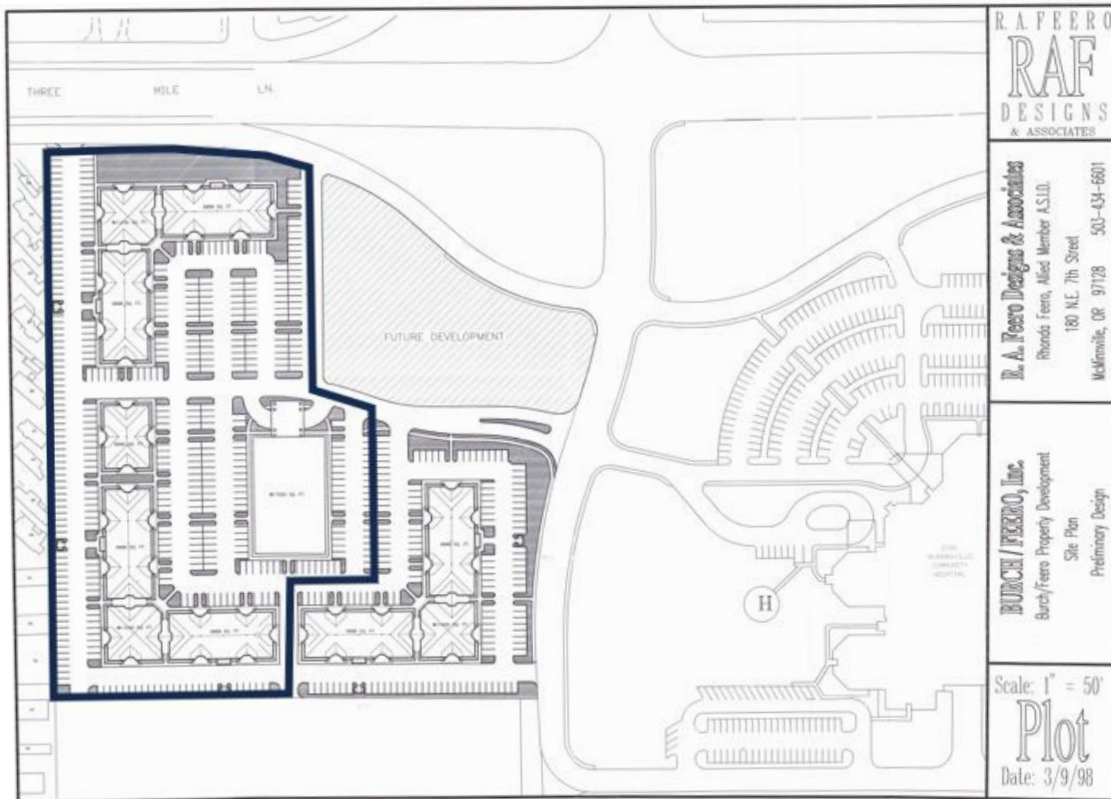


***(See applications for elevation drawings and additional perspective views).***

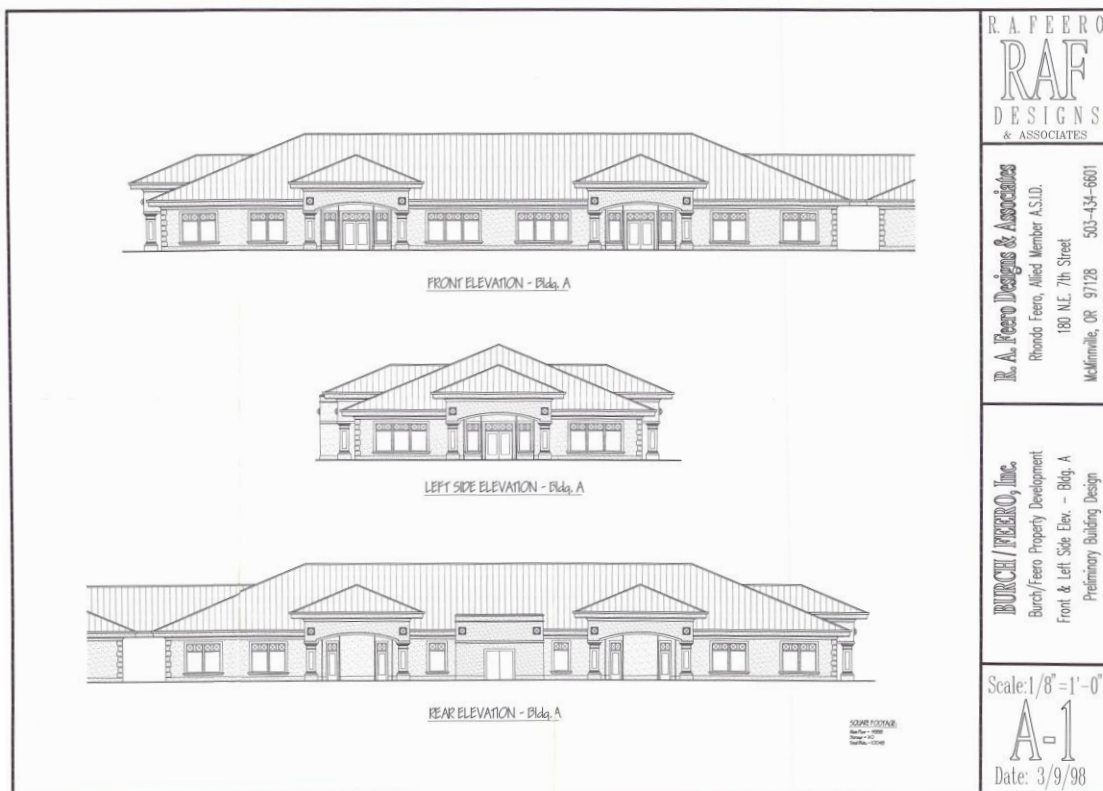
Attachments :

Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

**Figure 4a. Existing Planned Development Master Plan - Site Plan (Medical Office)  
(Subject Properties Identified with Outline)**



**Figure 4b. Existing Planned Development Master Plan – Elevations (Medical Office)**



Attachments :

Attachments 1, 2, 3 – Application and Attachments; Attachment 4 Fire Marshal Comments Attachment

## **Public Comments**

No written public comments have been received as of August 10, 2023.

## **Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

## **II. CONDITIONS:**

The applications are **approved subject to the following conditions:**

### **PDA 2-23 Conditions of Approval**

1. The Planned Development Amendment PDA 2-23 authorizes the amendment to the existing approved master plan for medical office on Tax Lots 400, 404, and 405, to be replaced with the new master plan for the 175 apartment development, consistent with the site plan, landscape plan, and building elevations as approved herein, upon approval of revisions by the City as addressed in these conditions of approval. The Master Plan shall be part of the Planned Development and Zone of the property and a copy of the approved plans shall be placed on file with the Planning Department.
2. The applicant shall show the 120-foot setback from the centerline of Highway 18 on the site plan. **Note:** *If future improvements to Stratus Avenue required improvements within this setback area, it could impact the parking spaces on the north side of the parking aisle adjacent to Stratus Avenue. The parking calculations indicate the site still exceeds minimum parking requirements without those spaces.*
3. Dedicate a 10-foot public utility easement along the frontage of the revised right-of-way.
4. Submit plans for sidewalk frontage improvements along the Stratus Avenue frontage. Because the Three Mile Lane Area Plan includes an action item for future provision of an enhanced cross-section to better address bicycle and pedestrian facilities, the sidewalk improvements required for this approval relative to the existing curbline are an interim improvement. Due to the presence of the high pressure gas main and above-ground appurtenances the requirement for the frontage improvement is as follows:
  - a. Dedicate right-of-way equivalent to the depth required for a 10-foot sidewalk with the right-of-way located one foot behind back of sidewalk. The dedication width might not be uniform along the full frontage due to the location of the property line relative to the existing curb line.
  - b. Match the sidewalk improvement to the adjacent sidewalk improvement to the east, with a 6-foot curb-tight sidewalk and street trees installed behind the sidewalk within the public right-of-way, with root barrier installed between the trees and back of sidewalk. Where the above-ground gas line appurtenances are located, the sidewalk should meander so there is a planter strip in that section, which is to be planted with groundcover to be maintained by the property owner.
  - c. Minor adjustments may be made, to be approved by the Planning Director to address field conditions, slopes, etc.
5. Dedicate a 10-foot wide public utility easement from back of the new right-of-way along the Stratus Avenue frontage. **Note:** *the trees shown on the plans which are located on private property adjacent to the frontage shall be located behind the 10-foot public utility easement.*

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6. Where the right-of-way dedication occurs along the frontage, if the dedication reduces the 20-foot landscape area between the right-of-way and the parking spaces to less than 20 feet, that reduction shall be recognized and authorized as part of the Planned Development Amendment and approved master plan. **Note:** *With the street trees located behind the sidewalk within the right-of-way, there is a wider contiguous landscape area between the back of sidewalk and the parking spaces.*
7. Clarify accessibility/universal design of any play areas and exercise features identified on the plan. **Note:** *The applicant is encouraged to exceed minimum accessibility requirements for recreational amenities.*
8. The applicant shall apply for and obtain all applicable permits from the City of McMinnville and other agencies, including building permit applications, ODOT approach permits, and DEQ erosion control permits.
9. Prior to issuance of building permits, the applicant shall apply for the property line vacation/lot consolidation. Prior to occupancy, the property line vacation application shall be finalized and recorded. Any required revisions to existing shared easements shall be completed.
10. The plan shall comply with the vision clearance standards of Chapter 17.54.
11. The applicant shall submit details of the proposed lighting to demonstrate the downcast/shielded nature of lighting such that it won't shine or cause glare facing streets or other properties.
12. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. Signs shall comply with all applicable provisions of MMC 17.62, Planned Development Ordinance 5095, and the Zone 3 provisions of the Three Mile Lane Planned Development Ordinance 4131 as subsequently amended by Ordinance 4572 and subsequent ordinances.
13. The Planning Director may authorize minor amendments to the plans without requiring review of a Planned Development Amendment by the Planning Commission. The Planning Director shall determine what constitutes a minor or major amendment.
14. Prior to issuance of a building permit, the applicant shall comply with all requirements of Ordinance 5095 and address all submittal requirements specified in the ordinance, including, but not limited to submittal of the affordability restriction per Condition #10, and submittal of the airspace agreement per Condition #21.
15. The applicant shall submit utility plans and constrictor agreements for review and approval of the respective standards. The applicant shall complete installation of utilities per approved plans prior to occupancy, or shall provide financial surety as may be authorized with deferred completion.
16. As part of the building permit/site development review process, address the requirements of the Engineering Department, including the following:
  - a. The applicant will enter into a Construction Permit Agreement with the City's Engineering Department.
  - b. The onsite Stormwater detention system will be designed to a 10 and 25-year storm event. The applicant shall submit stormwater report and design for the detention system that meets Oregon drainage law to the City Engineer.
  - c. Provide the City with ODOT approval of Stratus Avenue frontage Improvements.
  - d. Provide the City with an approved 1200C Permit from DEQ.

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- e. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
  - f. Provide ODOT approval for ADA curb ramps at the intersection of the "Private Road" and Stratus Ave. The Receiving ramp on the SE corner of this intersection shall be constructed to meet current PROWAG as well as the curb ramp on the SW corner of the intersection.
  - g. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
  - h. That the street improvements shall have the City's typical "teepee" section.
  - i. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
  - j. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corp of Engineers. Copies of the approved permits shall be submitted to the City.
  - k. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
  - l. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department.
  - m. Provide any necessary recorded survey documents to the City Engineering Department.
17. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any excavation to ensure that underground utilities are not damaged.
18. As part of the building permit/site development review process, address the requirements of the Fire Marshal, including the Fire Code requirements provided as an attachment.
19. As part of the building permit/site development review process, address the requirements of McMinnville Water and Light, including the following:
- a. Water – Extension Agreement will be required for public water for this project. L25-23 landscape plan will need to adhere to MW&L clearances around water facilities.
  - b. Power - This project will require an extension agreement. Final power design still to be coordinated and approved by McMinnville Water and Light. Landscape plan needs to allow for all McMinnville Water and Light clearance requirements around electrical equipment.

### **TML 1-23 Conditions of Approval**

1. Approval of the TML 1-23 design review is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 2-23.

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2. The approved master plan for PDA 2-23, subject to its conditions of approval, and as revised to address conditions of PDA 2-23, demonstrates compliance with the requirements of the Three Mile Lane Review.
3. At the time of submittal of a sign permit application, in addition to other applicable standards the sign permit application shall be reviewed for compliance with the sign provisions for Zone 3 of the Three Mile Lane Planned Development Overlay Ordinance (Ordinance 4131 as amended by ordinance 4572 and other ordinances).
4. Because the plans become part of the Planned Development master plan, this approval doesn't expire unless the Master Plan undergoes a future major amendment, in which case a new concurrent Three Mile Lane Review would be required.

### **L 25-23 Conditions of Approval**

1. Approval of the landscape plan is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 2-23.
2. If any revisions are required to the plans for PDA 2-23 and TML 1-23, the applicant shall submit a revised landscape plan consistent with the revised site plan for review and approval, incorporating any required revisions of the site plan. The landscape plan shall be revised to address PDA 2-23 Conditions #4 and #5 regarding the location of street trees within the public right-of-way behind the sidewalk, and trees on private property to be behind the public utility easement.
3. Where Ponderosa Pines are specified within some parking areas, where conifers are prohibited parking lot trees, the applicant shall revise the plan to specify different trees for those locations.
4. The plan shall comply with the vision clearance standards of Chapter 17.54. The applicant shall show how proposed landscaping will screen the parking lot and also comply with the vision clearance height limits (not to exceed three feet) within vision clearance areas at driveway approaches.
5. The applicant shall install landscaping, including street trees, as shown on the revised and approved landscape plan, and shall comply with required conditions of approval. Landscaping shall be installed prior to occupancy or may be secured for up to six months as specified in Chapter 17.57.
6. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
7. The applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site.
8. The planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection per standards in order to minimize sidewalk and tree root conflicts to a depth of eighteen (18) inches. In addition, street trees shall be staked and provided with two (2) deep watering tubes to promote deep root growth per the specification.
9. The applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or

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- c. Twenty (20) feet of street light standards or street intersections.
10. All street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
  11. The applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
  12. All approved landscaping and street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
  13. The approved landscape plan shall not expire unless the Planned Development is substantially amended, at which time a new landscape plan would be required. As provided in Section 17.57.070(C), minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.

### **III. ATTACHMENTS:**

1. PDA 2-23 Application and Attachments (on file with the Planning Department)
2. TML 1-23 Application and Attachments (on file with the Planning Department)
3. L 25-23 Application and Attachments (on file with the Planning Department)
4. Comments from Fire Marshal

### **IV. COMMENTS:**

#### ***Agency Comments***

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- **ODOT**  
We have reviewed the proposal materials and have no additional comments. The applicant has been working with ODOT and is aware of the need for continued coordination to receive a construction permit for work in the state right-of-way.
- **McMinnville Engineering Department**  
**Suggested Conditions of Approval**
  - The applicant will enter into a Construction Permit Agreement with the City's Engineering Department.

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- The onsite Stormwater detention system will be designed to a 10 and 25-year storm event. The applicant shall submit stormwater report and design for the detention system that meets Oregon drainage law to the City Engineer.
  - Provide the City with ODOT approval of Stratus Avenue frontage Improvements.
  - Provide the City with an approved 1200C Permit from DEQ.
  - ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
  - Provide ODOT approval for ADA curb ramps at the intersection of the "Private Road" and Stratus Ave. The Receiving ramp on the SE corner of this intersection shall be constructed to meet current PROWAG as well as the curb ramp on the SW corner of the intersection.
  - Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
  - That the street improvements shall have the City's typical "teepee" section.
  - The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
  - The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corp of Engineers. Copies of the approved permits shall be submitted to the City.
  - That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
  - A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department.
  - Provide any necessary recorded survey documents to the City Engineering Department.
- **McMinnville Fire Department**  
The Fire District has no comments for TML 1-23 or L 25-23. We do have conditions as noted below for PDA 2-23: *(See Attachment)*
  - **McMinnville Water & Light**  
McMinnville Water & Light has the following comments:

Water – Extension Agreement will be required for public water for this project. L25-23 landscape plan will need to adhere to MW&L clearances around water facilities.

Power - This project will require an extension agreement. Final power design still to be coordinated and approved by McMinnville Water and Light. Landscape plan needs to allow for all McMinnville Water and Light clearance requirements around electrical equipment.

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- **Comcast**  
After reviewing the project, Comcast has no conflict or comment.

### **Public Comments**

No public comments have been received as of August 10, 2023.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant mailed notice of a neighborhood meeting dated March 12, 2023 and held a neighborhood meeting on April 4, 2023.
2. The applicant submitted the applications with payment made on April 18, 2023 (PDA 2-23) and May 26, 2023 (TML 1-23 and L 25-23).
3. PDA 2-23 was deemed incomplete on May 18, 2023. The applicant submitted additional information and submitted the applications for TML 1-23 and L 25-23 on May 26, 2023. Additional information for the applications was submitted on June 21, 2023. The three applications were deemed complete on July 13, 2023.
4. On July 18, 2023, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On July 20, 2023, notice of the applications and the August 17, 2023 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the August 17, 2023 Planning Commission public hearing was published in the News Register on Friday, August 11, 2023, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On August 17, 2023, the Planning Commission held a duly noticed public hearing to consider the applications.

### **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:**
  - a. Address: 235 SE Norton Lane
  - b. Map & Tax Lot: R4427 400, 404, and 405
2. **Size:** Approximately 6.5 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial with Planned Development Overlay, Ordinance 5095)

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5. **Overlay Zones/Special Districts/Area Plans:**
  - a. Three Mile Lane Planned Development Overlay
  - b. Airport Overlay Zone, Horizontal Surface
  - c. Three Mile Lane Area Plan
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:**
  - a. **Slopes:** The site is generally flat.
  - b. **Easements:** No public easements identified. Numerous private cross access and utility easements.
9. **Utilities:** Water and sewer extensions will be necessary to serve the property.
10. **Transportation:** The subject property has frontage on Stratus Avenue and has access to Norton Lane via a shared private access. Stratus Avenue and Norton lane are minor collectors.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

### **McMinnville Zoning Ordinance**

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

#### **Planned Development Amendment PDA 2-23 - Criteria**

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

*17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:*

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

*An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

**FINDING: SATISFIED WITH CONDITIONS.** This is a major amendment to the existing Planned Development. It is being processed per Section 17.72.120 and consistent with the provisions of the Planned Development Ordinance 5095 which applies to the property. As addressed under the

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respective relevant provisions of the Zoning Ordinance below, findings have been made that, with conditions, the application satisfies all relevant provisions of this ordinance and the provisions of 17.74.070(A)-(F) below.

The criteria for a Planend Development Amendment in 17.74.070(A)-(F) are the same as the provisions of Section 17.51.030(C)(1)-(7). Findings are made regarding the criteria in this section. The applicant has provided responses in both sections.

- A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT'S RESPONSE:** This request is to an existing Planned Development per Ordinance #5095. Specifically, Condition #3:

*3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05. The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 21 or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.*

This application has requested a height increase of to 41'-10" to the ridge of the residential buildings roof and 48'-2" to the top of the ridge at the cupolas. This is an increase of approximately six feet for the residential buildings and 13 feet for the appurtenance.

As per the requirements of the condition, this request for increased height includes an analysis and survey of the height of surrounding buildings in the Three Mile Lane Planned Development Overlay District. No changes to the standards for setbacks are being proposed.

As noted on the Sheet G1.31, Elevations, the height requested for this project is similar and consistent with the heights of the surrounding buildings.

For the criteria, '*special objectives of the development which the proposal will satisfy....*', this project looks to the following:

The increase in height meets the '**objectives of the development**' in that the Three Mile Lane Plan calls for agrarian design, and both the requested height and the roof element reflects the design characteristics noted in the Three Mile Area Plan for agrarian/agricultural elements.

Additionally, the increase in height enables smaller building footprints, allowing for larger areas of landscaping and open space for residents including a community garden. The

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provision of landscaping and open space is a tenant of both the City's policies around housing and the standards in the Residential Design of Chapter 17.11.

The smaller building footprints provide for additional area for off-street parking, pathways and connection to the community. The resulting benefits to the site, including open space and landscaping benefits the entire community, as envisioned by the references to the purpose statement within Section 17.57, Landscaping, as "McMinnville cares about its appearance."

**FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS.** The subject properties are subject to a previously approved Planned Development Master Plan for medical office development, so a planned development amendment is necessary to replace that master plan with an amended master plan for the proposed apartment development.

In addition, the applicable Planned Development Ordinance 5095 contains some provisions which are more restrictive than the standard regulation requirements. Part of the requested planned development amendment is to address those more restrictive Planned Development provisions, where the proposal would otherwise comply with standard regulation requirements of the C-3 zone for the proposed use. For example the standard height provisions of the C-3 zone specify a maximum height of 80 feet. The C-3 zone also references the standards of the R-4 zone when developing apartments in the C-3 zone, and the R-4 zone which specifies a maximum height of 60 feet. The additional height requested is to address the provisions of Condition #3 of Ordinance 5095, not to deviate from a standard of the base zone.

Some of the additional height request is to address objectives of the Three Mile Lane Area Plan to include taller non-habitable architectural elements consistent with the agricultural architectural theme.

As part of the planned development amendment, the applicant is also requesting some flexibility to some provisions of the multi-dwelling standards in MMC 17.11, consistent with a Planned Development. The applicant has addressed those issues, which are addressed under 17.51 in this decision document.

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**APPLICANT'S RESPONSE:** For the height request, one of the policies associated with this area are the Great Neighborhood criteria, specifically, the Human Scale Design:

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

The inclusion of additional height to portions of the buildings creates buildings that are functional and balanced within the existing built environment---As shown on the Sheet G1.31, Elevations, many buildings in the immediate vicinity have increased height.

Another policy referenced in the Great Neighborhood Principles is the Urban-Rural Interface:

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*10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

*a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

As noted, this site is at the edge of the Urban Growth Boundary. As such, it is a transitional use from the agricultural uses to the south and the existing development. The scale proposed for this project, associated with the entire project, as well as with individual buildings, will function as a transition to the rural and urban areas. The increase in height will assist with that transition as it will create a site context that is more in line with design and context suggested by Three Mile Lane Plan.

Another policy referenced in the Great Neighborhood Principles is the Housing Variety:

*12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

*b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

This increase in height, especially for the cupolas, provides for additional character and variety by varying the heights of the elements of the building.

**FINDING: SATISFIED WITH CONDITIONS.** In the respective sections below, findings have been made regarding consistency with the Goals and Policies in Volume II of the Comprehensive Plan and the objectives of the area provided in the Three Mile Lane Area Plan and the Three Mile Lane Planned Development Overlay Ordinance.

*C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT'S RESPONSE:** The request for height will not preclude access to, or provision of services to adjoining parcels.

**FINDING: SATISFIED WITH CONDITIONS.** The planned development amendment would replace the previously approved master plan for medical office development with the proposed master plan for the apartment development. Other than the property to the south, other adjoining properties are already developed.

The proposal would not preclude access to any of the adjoining parcels. The proposal would not preclude efficient provision of services to the adjoining parcels. Developed properties would continue to use existing access and services. Easements would provide for continued access to shared private circulation of the subject properties and adjoining properties.

This development proposal will not impact the adequate access or efficient provision of services for the undeveloped property to the south. Access to that property is available to Norton Lane. Issues of serviceability were also reviewed with that property owner and the applicant for the current proposal to evaluate and resolve potential coordination regarding provision of services.

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D. *The plan can be completed within a reasonable period of time;*

**APPLICANT’S RESPONSE: APPLICANT RESPONSE:** The expected timeline for this project is as follows: Construction is to begin in Q4 2023. The construction duration is 19 months. Time is of the essence to contain construction cost pressure and uncertainty in the financial markets. The requested modifications from the City’s code will not cause to lengthen the above-noted timeline.

**FINDING: SATISFIED.** The applicant’s timeline demonstrates completion within a reasonable period of time.

E. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT’S RESPONSE:** The requested modification to increase the building’s height will not adjust the ability of the project to comply with City or other regulating agency’s compliance with street standards.

**FINDING: SATISFIED WITH CONDITIONS.** The currently approved master plan for tax lots 400, 404, and 405 is for the remaining 84,648 square feet of the total 115,624 square feet that was part of the approved master plan that included the developed TL 402 to the east. The proposed amendment would replace the currently approved master plan for TLs 400, 404, and 405 with the proposed master plan for apartments which is 175 units.

The difference between the currently approved master plan and the proposed master plan is a net reduction of trips.

Comparison of Trips for PD Master Plan (Original Approval vs. Proposed Amendment)						
Tax Lots R4427 400, 404, 405						
Based on Lancaster's December 18, 2018 Memo						
			RATE (Trips per 1,000sf or per DU)			
	ITE		AM	PM	Weekday	
	220 (per DU)		0.46	0.56	7.32	
	720 (per 1,000 sf)		2.78	3.46	34.8	
			COUNT			
Master Plan	ITE	SF or DUs	AM	PM	Weekday	
Original Approval	720	84,648 SF	235	293	2,946	
Proposed Amendment	220	175 DUs	81	98	1,281	
Difference			-155	-195	-1,665	

The proposed master plan utilizes the same access points to public streets and to existing shared private access drives as the previously approved master plan.

The applicant is proposing frontage improvements on the Stratus Avenue frontage road consistent with applicable standards, including sidewalk improvements. Right-of-way dedication and frontage improvements are addressed as conditions of approval. In addition, as a condition, the applicant will obtain applicable permits from ODOT for the proposed access to Stratus Avenue.

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- F. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE: APPLICANT RESPONSE:** As described, the site's utilities will be upgraded accordingly in order to provide for the project as proposed. The request for increased height will not adjust the project's ability to provide adequate utilities to the site.

**FINDING: SATISFIED WITH CONDITIONS.** Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirement addressing drainage, the development will have adequate utility and drainage facilities.

- G. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**APPLICANT'S RESPONSE:** As described in the previous section, the approval of multifamily as a use at this site, in comparison with the previous use of agricultural uses, the provision of multifamily housing has much less external noise, particulates in the air or direct pollutants. This project and the requested increase in height from Ordinance #5095 will not increase either the noise, air or water impacts associated with the multifamily project.

**FINDING: SATISFIED.** There are no aspects of this apartment development as a Planned Development that are substantively different than would otherwise occur if the site was developed without a Planned Development overlay as a permitted use in the underlying C-3 zone for this property. There are no unique noise, air, or water pollutants associated with this residential development.

### **Planned Development Overlay Ordinance 5095:**

*1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.*

**APPLICANT RESPONSE:** Landscape plans have been provided in conjunction with this application and a minimum of 14% of the site has been landscaped. This is greater than the 10% required by Condition #7, noted below. Site area calculations are included on Sheet G1.14 for reference.

**FINDING: SATISFIED WITH CONDITIONS.** This was a condition of the original Planned Development Ordinance 4667 which applies to the subject properties as well as the properties in the PD Overlay area to the east and northeast that have already developed. At the time those adjacent properties developed, they addressed landscaping along their respective frontage of Norton Lane and Stratus Avenue. With this application, the remaining street frontage is along Stratus Avenue.

With the current requests, the applicant submitted a landscape plan for review. Since there are concurrent applications, the application is processed together with the Planned Development and Three Mile Lane Review, and reviewed by the Planning Commission rather than Landscape Review Committee. Compliance with the criteria for landscape plan review is addressed in respective section of this decision document.

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In addition to the landscaping requirements for multi-dwelling development in Chapter 17.57 of the Zoning Ordinance, there are additional requirements for landscaping and open space in Ordinance 5095 and in the multi-dwelling development standards in Chapter 17.11 of the Zoning Ordinance. The plans submitted by the applicant demonstrate compliance with each of these requirements. The findings regarding each standard are addressed in the respective section of this decision document and calculations are provided on Sheet G1.14 of the plans submitted with the application.

The plans and calculations demonstrate compliance with the 14% landscaping requirement of Condition 1, the 10% open space and 25% landscape provisions of Condition #7 below, and the 25% landscaping provision for multi-dwelling development of Chapter 17.57, which section also addresses the potential to reduce the landscape percentage to no less than 15%.

The property to the west is zoned residential and developed with residential use. The property to the south is zoned commercial and expected to develop in residential use. The landscape plan specifies arbor vitae along those property lines.

Due to the presence of a high pressure gas line behind the curb, street tree planting will occur behind the sidewalk within the public right-of-way per conditions of approval.

*2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved through the Three Mile Lane Development Review application process before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.*

**APPLICANT RESPONSE:** This application includes detailed plans illustrating the proposed building elevations, site layout, landscaping, parking and lighting. The application narrative (this document) affirms the application's compliance with the applicable sections of the City's Zoning Code including the base zone of C-3 PD/R-4; the Residential Design and Development criteria in Chapter 17.11, and the applicable provisions of Chapter 17.51, Landscaping, Chapter 17.60 Off Street Parking, Chapter 17.61 Solid Waste and Recycling Enclosure Plan. Signage in accordance with Chapter 17.62 will be provided in a separate permit and plan set.

Procedurally, Condition #22 of Ordinance #5095 and Chapter 17.74 have been followed.

**FINDING: SATISFIED WITH CONDITIONS** The applicant has submitted the application for Three Mile Lane review for concurrent review with this application. Findings regarding the provisions of the Three Mile Lane Planned Development Overlay Ordinance are addressed in the respective section of this decision document below. As a condition, the applicant shall provide information regarding the proposed lighting to ensure it is downcast/shielded from the street and adjacent properties.

*3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.*

*The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12*

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*shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.*

**APPLICANT RESPONSE:** A request for additional height has been requested in a very limited manner in order to preserve the site for open space and to include a design element, a cupola roof element. Both the requested height and the roof element reflects the design characteristics noted in the Three Mile Area Plan for agrarian/agricultural elements. A further description of this request and its justification can be found in Section IV for the responses to the Planned Development criteria in response to this request. Sheet G1.31, Elevations, included with this application denotes the analysis of the surrounding buildings in regards to height.

**FINDING: SATISFIED.** The applicant has requested additional building height in excess of 35 feet at the time of submittal of this updated master plan and detailed building plans.

For Buildings 1-4, the majority of the eave lines remain less than 35 feet in height. Predominant ridge lines are approximately 38 feet tall and approximately 42 feet tall. The cupolas are the tallest features, which are approximately 48 feet to the highest point. Where present, they add approximately 6.5 feet to the overall height above the tallest ridgelines. These are not continuous elements. Those features are added to address the architectural character of the buildings per the Three Mile Lane Area Plan policies, adding elements that represent agricultural architecture similar to grain elevators. The cupola elements are stepped back from surrounding properties.

Building 5 is less than 35 feet in height.

The applicant has provided a graphic showing the height relative to some other buildings in the Three Mile Lane area which are taller than the proposed buildings, including the 3-story Comfort Inn and Suites to the east, which is approximately 45 feet to the top of the predominant ridgeline and the Evergreen Museum which is approximately 100 feet tall. Other existing three-story buildings in the Three Mile Lane area include Chemeketa Community College and Evergreen Valley Apartments. The Willamette Valley Medical Center includes a 4-story section which is approximately 60 feet in height and also has additional rooftop mechanical equipment. Some of the buildings on the south side of the highway near the airport include similar heights to their primary ridgelines, with additional height for similar architectural elements above the main ridgelines.

*4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.*

**APPLICANT RESPONSE:** Information regarding outside lighting in its locations and typology is provided on Sheet L1.01, Preliminary Site Lighting Plan.


**FINDING: SATISFIED WITH CONDITIONS.** Sheet L1.01 provides the lighting legend below. As a condition of approval, prior to issuance of the building permits, the applicant shall provide documentation indicating the type of cut-off, downcast shielding or characteristics associated with the lighting, including the 18'-20' L1 light poles around the perimeter of the parking area near residential uses. In addition, the applicant shall provide documentation regarding the shielding and downcast directional nature of any wall-mounted lighting, such that it won't directed outward toward streets or residential areas.

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## OUTDOOR LIGHTING - SEE ELECTRICAL

-  (L1) LIGHT POLE - TYPE 1 - PARKING  
- 18'-20' POLE  
- LIGMAN, LINEAR DENVER 1 OR EQ.
-  (L2) LIGHT POLE - TYPE 2 - PEDESTRIAN  
- 12'-14' POLE  
- LUMINIS BELLEVUE SERIES OR EQ.
-  (L3) ILLUMINATED BOLLARDS  
- 36" HEIGHT  
- LUMINIS BELLEVUE SERIES OR EQ.
-  (L4) STREET LIGHTS - SEE CIVIL

5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.

**APPLICANT RESPONSE:** This is understood by the Applicant. A signage plan and permit will be applied for separately from this process.

**FINDING: SATISFIED WITH CONDITIONS.** The subject properties are subject to the sign provisions MMC 17.62, Ordinance 5095, and Zone 3 of the Three Mile Lane Planned Development Overlay Ordinance 4131 as subsequently amended by Ordinance 4572 and subsequent ordinances. At the time of sign permit application, the application shall be reviewed for consistency with these provisions.

6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.

**APPLICANT RESPONSE:** This is understood by the Applicant. No drive up food or beverage facility is proposed as part of this application.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed use is residential and complies with this requirement. This also remains an applicable condition of approval of all properties subject to Planned Development Ordinance 5095.

7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, multiple-family dwellings, community buildings appurtenant to residential uses, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, multiple-family dwellings, or community buildings appurtenant to residential uses may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at

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*least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.*

**APPLICANT RESPONSE:** Landscape plans have been provided in conjunction with this application. There are a variety of standards within the City's code for ensuring that multifamily developments provide adequate landscaping and green space as part of the project. A detailed description of the site's landscaping provisions and percentages has been included with this application. See G.1.14, Site Area Calculations for details.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed use is multi-dwellings with a community building appurtenant to the residential uses. The plans on Sheet G1-14 demonstrate compliance with these provisions addressing open space percentage and contiguity, as well as more stringent requirements of other ordinance provisions which are addressed under the respective findings.

*8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.*

**APPLICANT RESPONSE:** This is understood by the Applicant.

**FINDING: NOT APPLICABLE.** This condition was carried over into Ordinance 5095 from the original PD overlay ordinance. The referenced comprehensive plan map amendment and zone change were previously approved.

*9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.*

**APPLICANT RESPONSE:** This is understood by the Applicant.

**FINDING: NOT APPLICABLE.** This condition was carried over into Ordinance 5095 from the original PD overlay ordinance. The "future development" area was the property where Comfort Inn and Suites and The Diner were developed. This doesn't apply to the subject property or current request.

*10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.*

**APPLICANT RESPONSE:** This is understood by the Applicant. There will be a Land Use Restrictive Agreement (LURA) for affordability, but no other covenants are proposed at this time.

**FINDING: SATISFIED WITH CONDITIONS.** As a condition if approval, a copy of the affordability covenant shall be provided to the Planning Director.

*11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.*

**APPLICANT RESPONSE:** Understood by the Applicant.

**FINDING: SATISFIED WITH CONDITIONS.** ODOT responded that they have no comments and they have been working with the applicant, and the applicant will need to obtain a permit for the driveway approach on Stratus Avenue. This condition/provisions remains applicable as part of the Planned Development Ordinance.

*12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of*

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*proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.*

**APPLICANT RESPONSE:** Understood by the Applicant. Documentation associated with grading and erosion control is noted on sheets: C1.40 - Erosion Control North; C1.41 - Erosion Control South; C1.50 - Erosion Control Details, which have been submitted as part of this application.

**FINDING: SATISFIED WITH CONDITIONS.** Drainage and grading plans shall be submitted for review and approval prior to issuance of development permits.

*13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.*

**APPLICANT RESPONSE:** Understood by the Applicant. Proposed utility improvements are provided on the Engineering-related plans in this application and are as follows for reference:

Sanitary sewer services currently do not exist within the surrounding public or private right-of-way, thus proposed is a short extension of the public sewer system located within SE Stratus Avenue, extending from the existing manhole to a point adjacent to the proposed driveway access in the northwest corner of the development site. From this point, the sewer system extends as a private main onto the site and within the west drive lane, providing for a downstream connection point for all proposed building sewer laterals.

Domestic, fire sprinkler and irrigation water services are proposed to be served from the existing termination point of the public 10-inch diameter water main located at the bend in the private access drive along the east property boundary. Services will include backflow prevention assemblies and water meter, to provide for domestic water and fire sprinkler supply to all buildings including onsite fire hydrants, along with landscape irrigation supply.

Stormwater management for the proposed site and building improvements will include collection systems for roof water and all parking lot surfaces via catch basins. All pipes will convey runoff from the new impervious surfaces to one of many points of connection to the existing private storm main that is located on/through the development site, refer to the Existing Conditions Plan for the location and routing of this existing pipe located within an easement as it traverses the development site. The storm drain design will include assemblies sized to detain site runoff, releasing at a rate at or below the pre-development conditions, so as to not overflow the downstream pipe and/or ditch system, which will convey runoff from the development site, as well as runoff from upstream developments located east of the project site, to an eventual outfall into the South Yamhill River.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall provide utility plans for review and approval prior to issuance of building permits, and shall complete construction of required utilities consistent with approval plans and extension agreements.

*14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.*

**APPLICANT RESPONSE:** Understood by the Applicant.

**FINDING: SATISFIED WITH CONDITIONS.** This shall be addressed as a condition of approval.

*15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.*

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**APPLICANT RESPONSE:** Understood by the Applicant. This application and the associated documentation is in response, in part, to these approval criteria.

**FINDING: NOT APPLICABLE.** This condition carried over from the original Planned Development Ordinance and applied to the “Future Development” area that has already developed with Comfort Inn and Suites and The Diner. It is not applicable to the subject property or current request.

*16. That the final master plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.*

The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted master plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

**APPLICANT RESPONSE:** Understood by the Applicant. This application and the associated documentation is in response, in part, to these approval criteria.

**FINDING: SATISFIED WITH CONDITIONS.** As a condition of approval, the Planned Development master plan, as revised, shall be placed on file with the Planning Department and will become part of the zone and binding on the owner and developer.

*17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.*

*18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.*

**APPLICANT RESPONSE(S):** Understood by the Applicant. Per previous coordination with ODOT, it was determined the existing highway driveway approach onto Norton Lane approved by ODOT in 2007, will not trigger a “change of use” and can continue to be used with the existing permit. The proposed new driveway approach onto SE Stratus, near the northwest corner of the site, will require a State Highway Approach, which will be completed and submitted to ODOT for review and approval. Frontage improvements, including new 10-foot wide sidewalk and single corner ramp at the intersection of Stratus and the private access drive, will be submitted to ODOT and the city of McMinnville for review and approval.

**FINDING: SATISFIED WITH CONDITIONS.** This condition is carried over from the original Planned Development ordinance, and some of it is not applicable. No direct access to Highway is proposed, and there aren't improvements to the highway frontage. Instead, a new approach is proposed to the Stratus Avenue frontage road, and the applicant shall obtain an access permit from ODOT for that access. The applicant shall complete required frontage improvements including sidewalk along the Stratus Avenue frontage, including applicable right-of-way dedication.

*19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.*

**APPLICANT RESPONSE:** Understood by the Applicant. This application and the associated documentation is in response, in part, to these approval criteria.

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**FINDING: SATISFIED WITH CONDITIONS.** The applicant submitted the necessary application TML 1-23. Findings regarding the provisions of the Three Mile Lane Planned Development Overlay Ordinance are provided below in the applicable section of this decision document.

*20. The applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.*

**APPLICANT RESPONSE:** This is understood by the Applicant.

**FINDING: SATISFIED WITH CONDITIONS.** This condition carried over into Ordinance 5095 from the original Planned Development Ordinance and shall continue to apply to properties subject to the Planned Development Overlay Zone. Closure of that access is not required for the proposed development of the subject properties (tax lots 400, 404, and 405) as part of this proposal.

*21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.*

**APPLICANT RESPONSE:** Understood by the Applicant.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall provide evidence of these documents have already been provided for the subject properties or shall complete and submit the executed documents as a condition of approval.

*22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.*

*The review of the updated master plan shall be processed as a Planned Development Amendment. but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.*

**APPLICANT RESPONSE:** Understood by the Applicant. This application and the associated documentation is in response, in part, to these approval criteria. Section IV of this application includes responses to the criteria in Section 17.74.070. The Great Neighborhood Principles are reviewed in this Section of the application.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed Planned Development Amendment is approved with conditions to satisfy the above requirements. Findings regarding the criteria in Section 17.74.070 are provided in this decision document. Findings regarding the goals and policies of the Comprehensive Plan include findings regarding the Great Neighborhood Principles in Policy 187.50.

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**Three Mile Lane Review (TML 1-23), Subject to Ordinance 4131, as amended**

Section 4. Policies. The following policies shall apply to the property described on the map in Exhibit "A":

A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, applicable regulations and standards in Volume III, and other City codes shall be adhered to.

**APPLICANT RESPONSE:** The concurrent application, PDA 2-23, responded to the applicable Comprehensive Plan policies and the City's Zoning Ordinance.

**FINDING: SATISFIED WITH CONDITIONS.** Findings regarding the Goal and Policies in Volume II of the Comprehensive Plan are addressed in the respective sections of this decision document. Findings regarding applicable implementing regulations and standards that comprise Volume III of the Comprehensive Plan are also addressed in the respective sections of this decision document.

B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.

**APPLICANT RESPONSE:** This has been met. Please see attached Site Plan, Centerline for the front setback distance to the centerline of Highway 18/Three Mile Lane.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall show the location of the 120-foot centerline setback on the site plan. **Note:** This is estimated to be approximately 40 feet south of the existing property line.

C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane;

**APPLICANT RESPONSE:** No access plan is being proposed or modified as part of this request. Access to Highway 18/Three Mile Lane will continue to be taken from SE Stratus. As part of this application's review with the Oregon Department of Transportation (ODOT), the proposed new driveway approach onto SE Stratus, near the northwest corner of the site, will require a State Highway Approach, which will be completed and submitted to ODOT for review and approval. Frontage improvements, including new 10-foot wide sidewalk and single corner ramp at the intersection of Stratus and the private access drive, will be submitted to ODOT and the city of McMinnville for review and approval.

**FINDING: SATISFIED.** No direct access is proposed to Three Mile Lane for the subject property. Access to the proposed street system is proposed onto the Stratus Avenue frontage road and via an existing private shared access onto Norton Lane at the same locations as in the existing Planned Development master plan.

2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;

**APPLICANT RESPONSE:** A greater, on-site circulation system exists for this site and adjoining properties as part of the previously approved Planned Development Application. For context and the general vicinity of the project, see G1.11 Vicinity Maps as provided with the Planned Development Amendment concurrent submittal of this application. The proposed Planned Development Application/Three Mile Lane/Landscape Plan application is refining this existing circulation system to reflect multifamily housing development. See Sheet G1.12, Site Plan for the entire site's layout.

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**FINDING: SATISFIED WITH CONDITIONS.** No direct access is proposed to Three Mile Lane for the subject property. Access to the proposed street system is proposed onto the Stratus Avenue frontage road and via an existing private shared access onto Norton Lane at the same locations as in the existing Planned Development master plan. As a condition, the applicant shall obtain a permit from ODOT for the northwesterly approach on to Stratus Avenue.

3. *The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.*

**APPLICANT RESPONSE:** The site accesses Three Mile Lane via SE Stratus. No new access to Three Mile Lane is being requested as part of this application.

**FINDING: SATISFIED.** The proposed master plan has a net reduction in trips compared to the existing master plan for the subject properties. New acceleration-deceleration lanes were not identified as necessary or practicable.

4. *The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.*

**APPLICANT RESPONSE:** The site accesses Three Mile Lane via SE Stratus. No new bicycle access to Three Mile Lane is being requested as part of this application.

**FINDING: SATISFIED WITH CONDITIONS.** Stratus Avenue is currently a 2-lane frontage road with curb and gutter, with approximately 14 feet of width from the centerline to the face of curb. There is no sidewalk along the frontage of the subject property. 6-foot curb tight sidewalk is present along the south side of the Stratus Avenue frontage of the property to the east. The Three Mile Lane Area Planned Development Ordinance specifies the 120 foot setback from the centerline of the highway. The Three Mile Lane Area Plan identifies action items for future enhanced design to accommodate a frontage road design with suitable provisions for pedestrians and bicycles. The current 14-foot paved width of Stratus isn't currently enough to accommodate dedicated bike lanes.

- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.*

**APPLICANT RESPONSE:** As described previously in the concurrent Planned Development Application, landscaping has been provided along all property frontages, including SE Stratus. Plantings provided include ample landscaping along SE Stratus and include trees and a variety of plantings to help buffer the site from the proximity to Three Mile Lane. Landscape plans have been provided in conjunction with this application. There are a variety of standards within the City's code for ensuring that multifamily developments provide adequate landscaping and green space as part of the project. A detailed description of the site's landscaping provisions and percentages has been included with the plans associated with the concurrent Planned Development application. See Sheet G.1.14, Site Area Calculations for details.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed landscaping plan proposes landscaping along the Straus Avenue frontage. As a condition of approval, the applicant shall demonstrate the proposed landscaping addresses parking lot screening and also addresses vision clearance height limits near driveway approaches.

- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.*

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**APPLICANT RESPONSE:** This project provides a multifamily housing type with various bedroom sizes at a scale that respects the area. Several Comprehensive Plan policies for the City reflect the need and interest in providing a diversity of housing types at a variety of price points, including families, including:

- Policy 58: City land development ordinances shall provide opportunities for the development of various housing types and densities.
- Policy 59. Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the city's land development regulations.
- Policy 64. The city of McMinnville shall cooperate with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate-income families.

This evaluation of the use of this site for multifamily was affirmed with the approval of Planned Development Application, Ordinance #5095. Additionally, this project is located in an area of McMinnville that provides the infrastructure and public facilities to support the density of multifamily development.

**FINDING: SATISFIED.** The subject property is zoned C-3 PD, and the Planned Development Ordinance 5095 and underlying C-3 zone apartment/multi-dwelling development.

*F. Temporary signage shall be allowed as per Section 17.62.060(B) (3) of the McMinnville Zoning Ordinance.*

**APPLICANT RESPONSE:** This application is not requesting any temporary signage. The team understands that the site is located in Signage Zone #3 per Ordinance #4131. At the time of any (future) signage application, the team understands that multiple criteria exist from the associated Ordinances for this site and the City's Zoning Ordinance.

**FINDING: SATISFIED/NOT APPLICABLE.** No temporary signage is proposed, but would be authorized as specified in the Zoning Ordinance.

*Section 5. Signs.*

...

*Section 6. Procedures for Review*

...

**FINDING: SATISFIED WITH CONDITIONS.** The applicant isn't proposing signage at this time. The applicant will need to submit a sign permit application prior to any signage. The Planning Director will review signage for consistency with the provisions of Zone 3 of the Three Mile Lane Planned Development Ordinance as well as the provisions of Ordinance 5095 and Chapter 17.62 of the Zoning Ordinance.

### **Landscape Plan (L 25-23)**

#### 17.57.050(C)

*The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter.*

17.57.010. Purpose and intent. *The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed*

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developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
  1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
  2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
  3. Mitigate the loss of natural resources.
  4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
  5. Create safe, attractively landscaped areas adjacent to public streets.
  6. Require the planting of street trees along the City's rights-of-way.
  7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
  8. Provide shade, and seasonal color.
  9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED.** The proposed landscape plan is reviewed against the standards of Chapter 17.57 to address consistency with the demonstrates compliance with the purpose, intent, and objectives identified in Section 17.57.010. There are no existing trees on site to be preserved.

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17.57.070 Area Determination—Planning factors.

A. Landscaping shall be accomplished within the following ranges:

...

2. Multiple-dwelling, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

...

**APPLICANT'S RESPONSE:** This project is not providing Industrial or Commercial development. This is not applicable to this project.

This project is providing Multiple dwelling development. The project is providing landscaping in compliance with this standard. See Sheet G1.14 Site Area Calculations for area calculations associated with landscaping and open space.

**FINDING: SATISFIED.** The analysis and plan provided by the applicant on Sheet G1.14 of the application demonstrates compliance with this factor for the multi-dwelling development.

17.57.070 Area Determination—Planning factors (cont.)

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

**APPLICANT'S RESPONSE:**

(1) The proposed landscape design provides planting to integrate the project with its context, both in terms of native and adapted plants, and in harmony with the Architectural intent and inspiration from the site's agricultural history and character. The neighboring properties are also being considered through landscape treatments at the parking lots: Screening for neighboring properties to the west and south, and integration with the shared parking to the east. See Sheet L5.00, Planting Plan Overall for details associated with the landscaping design.

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(2) In addition to the parking screening, the West and South property edges will include a sight obscuring fence. At the north parking lot, a vegetated buffer engages with Stratus Ave. while the north-east corner completes the existing private road landscape with plantings trees and building articulation to create a streetscape harmonious with its context.

(3) There are no existing trees on site. The approach for site grading and site-work is to intend to respond to the existing grades and minimize earthwork mobilization and modifications of the existing drainage patterns. The excavation from the building pads may be used in the open space between Buildings #3 and #4 to create subtle mounding that will help articulate the space sequences and provide a sense of privacy to the patios facing the interior open space.

(4) The parking lot design considers planting islands with trees and plantings throughout, providing a rhythm of vegetation and legibility for circulation and wayfinding. See Sheet L5.00, Planting Plan Overall for details associated with the landscaping design.

(5) This project is not a subdivision or shopping center. However, this planting design incorporates native and adapted species. The plant choices have been chosen as particularly tried-and-true species for the parking lot and street trees to avoid issues with superficial roots. To reiterate, no species from the prohibited tree list will be used. See Sheet L5.00, Planting Plan Overall for tree species choices.

(6) The landscape design will include an automated irrigation system, designed under best practices for water conservation and proper zoning for the plant material to establish and thrive. See Sheet L4.00, Design Build Irrigation Plan for information about the proposed irrigation system.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's landscape plan and responses above demonstrate these factors are addressed with the proposal landscape plan. However, some Ponderosa Pines in part of the parking area, As described above, conifers are prohibited in parking areas, and the plan shall be revised to substitute for those trees, selecting trees that aren't conifers or prohibited trees for the parking areas.

17.57.070 Area Determination—Planning factors (cont.)

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE: N/A.**

**FINDING: SATISFIED WITH CONDITIONS.** A condition of approval is included to ensure compliance with this requirement.

**Comprehensive Plan Volume II:**

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the

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goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request. The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

## **CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

### **GOAL V.1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.**

#### General Housing Policies

- Policy 58. City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*
- Policy 59. Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the city.*

**APPLICANT RESPONSE:** This project provides for multi-family development in compliance with the Planned Development Amendment #5095 and the applicable elements of the City's zoning code.

**FINDING: SATISFIED.** Ordinance 5095 amended the original Planned Development Ordinance to include multi-dwelling development as a permitted use of the property. The applicant's proposal will meet needs for lower cost renter housing.

#### Low-Cost Housing Policies:

- Policy 64. The city of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.*
- Policy 65. The city of McMinnville shall coordinate with the Mid-Willamette Valley Council of Governments to develop a "fair share" plan to allocate low-cost housing throughout the tri-county region.*
- Policy 66. The city of McMinnville shall continue to allow development of its fair share of the region's low-cost housing. The share accepted will be based on quantifiable studies which take into account the amount of the low-cost housing already in the community and the overall housing opportunities in the city and region.*
- Policy 67. Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.*

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**APPLICANT RESPONSE:** Oregon’s Statewide Housing Plan defines a shortage of 4,945 units of affordable housing in Yamhill County. The Owner is a “housing authority” defined by ORS Chapter 456, operating in Yamhill County for the purpose of providing, “To provide decent, safe and sanitary urban or rural housing for persons or families of lower income.” The Housing Authority of Yamhill County (HAYC) is the Owner and will be the Developer of this project.

There are some housing options in the area, these include the Affordable Mid-Coast Housing, the Olde Stone Village Mobile Home Park and the Evergreen Mobile Home Park-as noted on the Three Mile Lane Plan (2022). Although these options are within the area, none of them are subsidized or are managed as income-restricted housing. Therefore, the addition of this project to the area does not create a significant collection of affordable housing as to create a detractor on the neighborhood or its character.

**FINDING: SATISFIED.** Ordinance 5095 permits multi-dwelling development of the subject properties, and the proposal would develop housing designed to address the needs consistent with the above policies.

**GOAL V.2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

Planned Development Policies:

*Policy 72. Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*

**APPLICANT RESPONSE:** The existing amendments, Ordinance #5095 and Ordinance #4667 includes development standards to ensure a residential development. Condition #2 requires “to the extent possible, the site and building design should be compatible with the surrounding development.” This application will demonstrate compatibility with the surrounding development applying the base zone standards; the standards of Chapter 17.11 and the design of the Three Mile Area Plan (2022).

*Policy 73. Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

**APPLICANT RESPONSE:** This proposal will provide for a variety of housing type as Multi-Family at a variety of price points, with an emphasis on providing affordable residential apartments.

**FINDING (Policies 72 and 73): SATISFIED.** Ordinance 5095 authorizes multi-dwelling development as part of the Planned Development Overlay of the property. The affordability provisions will offer new housing construction not readily being supplied as market rate housing. t

*Policy 74. Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

**APPLICANT RESPONSE:** There are no distinctive natural, topographic or aesthetic features associated with the site. The property is flat, and currently abuts farm land to the south, a mobile home part to the west, and office and hospitality to the east.

**FINDING: SATISFIED.** As noted by the applicant, the site is generally level without distinctive features to be retained.

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*Policy 75. Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the city, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

**APPLICANT RESPONSE:** The proposed Common Open Space areas will directly benefit the future residents in the following manner: the open space areas are programmed for a variety of outdoor activities including passive and active spaces for recreation, gardening and other pursuits.

The entire property will be controlled and operated by HAYC. Maintenance, repairs, ground keeping, and overall operations will be performed by HAYC. No condominium or associations will be part of this ownership as the property will be owned and managed by the Housing Authority of Yamhill County. See Sheet G1.12, Site Plan for information about the locations of the common open space areas.

**FINDING: SATISFIED.** As described by the applicant, the property will be a single parcel that includes the residential buildings, common open spaces, and amenities. The common open spaces will be commonly owned and maintained to benefit the future residents of the development.

*Policy 76. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

**APPLICANT RESPONSE:** A Community Center is proposed for this project. It will be located in an area that is readily accessible to all occupants.

**FINDING. SATISFIED.** As described above, the property will be a single parcel that includes the residential buildings, common open spaces and building, and amenities. These are located to be readily accessible to all occupants.

*Policy 77. The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*

**FINDING. SATISFIED WITH CONDITIONS.** The internal traffic system generally separates pedestrian circulation from vehicular traffic, providing sidewalk around the perimeter of the residential and open space areas and providing internal connections within those areas where there are amenities, open space, and gathering space. The proposal provides two points of connection between the on-site sidewalks and pedestrian paths to Stratus Avenue.

*Policy 78. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

**APPLICANT RESPONSE:** Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18/Three Mile Lane intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the area.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed development accesses Stratus and Norton at locations consistent with the previous master plan. Then applicant will need to obtain an approach permit from ODOT for the new approach on Stratus. The proposed development continues to provide the shared access and parking arrangements with the properties to the east. In addition, Condition 20 of Ordinance 5095 remains in place which states, "the applicant shall agree to in the future close the

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proposed southern access to Norton Lane, if warranted by the development of the property to the south.”

Multiple Dwelling Development Policies:

*Policy 86. Dispersal of new multi-dwelling housing development will be encouraged throughout the city in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi-dwelling development in specific areas of the community leading to a segregation of multi-dwelling development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles.*

*In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-dwelling development, and the area is commensurate with a higher concentration of multi-dwelling development without creating an unintended segregation of multi-dwelling development, such as McMinnville’s downtown, the area surrounding Linfield University and neighborhood activity centers, a higher concentration of multi-dwelling development will be encouraged.*

**APPLICANT RESPONSE:** As provided for in the adoption of Ordinance #5095, this project is located in an area of McMinnville that provides the infrastructure and public facilities to support the density of Multi-Family development, while not supporting an unintended monoculture of Multi-Family development.

As described above, housing options do exist in the general area, including manufactured housing. The addition of this project to the area does not create a significant collection of affordable housing as to create a detractor on the neighborhood or its character. The Housing Authority of Yamhill County (HAYC) manages a number of properties within the City of McMinnville, however, these properties are all located outside of the immediate vicinity of this project.

This project will also support the Great Neighborhood Principles. See response to these Principles in Section II.

**FINDING: SATISFIED.** The C-3 PD zoning applicable to the property allows multi-dwelling development as a permitted use. This policy is addressed when designating land, not when reviewing a specific development proposal for a use which is specified as a permitted use of the property.

*Policy 89. Zoning standards shall require that all multiple-dwelling housing developments provide landscaped grounds.*

**APPLICANT RESPONSE:** Landscape plans have been provided in conjunction with this application. There are a variety of standards within the City’s code for ensuring that multifamily developments provide adequate landscaping and green space as part of the project. A detailed description of the site’s landscaping provisions and percentages has been included with this application on the associated Landscaping plans and in conjunction with responses to the various criteria throughout this application narrative.

**FINDING: SATISFIED.** This policy is implemented through ordinance provisions that require landscaped grounds. This policy is addressed through compatibility with the applicable standards.

*Policy 90. Greater residential densities shall be encouraged to locate along collectors and minor arterials, within one-quarter mile from neighborhood and general commercial shopping*

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centers or within neighborhood activity centers, and within a one-half-mile-wide corridor centered on existing or planned public transit routes.

**Policy 91.** *Multiple-dwelling housing developments, including condominiums, but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the city to have sufficient traffic carrying capacities to accommodate the proposed development.*

**Policy 92.** *High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

**APPLICANT RESPONSE:** This project is located off of SE Stratus Lane, which obtains direct access via Highway 18. Highway 18 is a Collector roadway and as such, contains a carrying capacity suitable to support Multi-Family development. See Figure 19 from Three Mile Lane Plan, March 2022:



**FINDING. SATISFIED.** Stratus Avenue and Norton Lane are designated as minor collectors. The highway is designated as a major arterial. YCTA transit serves this area.

**Policy 92.01.** *High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.*

**Policy 92.02.** *High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.*

**APPLICANT RESPONSE:** This project is not located in an area which contains railroad lines or heavy industrial uses. The project is located within walking distance of a number of amenities including the Willamette Valley Medical Center and the Chemeketa Community College.

**FINDING: SATISFIED.** In addition to the items noted in the applicant's response, there will also be on-site amenities and proximity to public transportation.

### Urban Policies.

**Policy 99.** *An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

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1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

**APPLICANT RESPONSE:** Domestic , fire sprinkler and irrigation water services are proposed to be served from the existing termination point of the public 10-inch diameter water main located at the bend in the private access drive along the east property boundary. Services will include backflow prevention assemblies and water meter, to provide for domestic water and fire sprinkler supply to all buildings including onsite fire hydrants, along with landscape irrigation supply.

**FINDING: SATISFIED WITH CONDITIONS.** Subject to the conditions of approval, the property will be served with adequate public facilities described above.

## **CHAPTER IX URBANIZATION**

**GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.**

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan**

### **GREAT NEIGHBORHOOD PRINCIPLES:**

**Note:** The Great Neighborhood Principles are addressed in the applicant's narrative under the heading of Ordinance 5066, which was the ordinance that amended the Comprehensive Plan to adopt the Great Neighborhood Principles. The Great Neighborhood Principles are codified in Policy 187.50 in Volume II of the Comprehensive Plan. Staff has incorporated the applicant's responses here, and the numbering has also been updated below consistent with the Comprehensive Plan.

*Policies:*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle*

**APPLICANT RESPONSE:** These have also been responded to in light of the Guiding Principles in Planned Development Residential Design and Development, Section 17.11.110.A.1 through 5.

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

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**APPLICANT RESPONSE:** Although there are no distinctive natural, topographic or aesthetic features associated with the site, the improvements for the stormwater and site's drainage respond to the natural topography and will improve the site and the surrounding area.

**FINDING: SATISFIED WITH CONDITIONS.** The site is generally level without distinctive natural features such as those described above.

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT RESPONSE:** There are no significant views of natural features or skylines in the vicinity of the project area, however, the open spaces have been designed to provide accessible natural areas, while ensuring that the spaces are not overwhelmed by the parking areas or other utilitarian features.

**FINDING: SATISFIED WITH CONDITIONS.** The site development will provide opportunities for views into the centrally located common open space area. The site plan provides opportunities for views from the buildings to the distant terrain, predominantly from the site to the south and east.

*3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

*a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*

*b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*

*c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT RESPONSE:** There is a large area identified as Open Green/Commons area that is centrally located, behind the Community Building. This area is to benefit all residents, but is in closest proximity to Buildings #1 and #2. There is also the Meadow open space area located between Buildings #3 and #4. There are also community garden areas at the Eastern edge of the site. See Sheet G1.12, Site Plan for information about the locations of the common open space areas.

**FINDING: SATISFIED WITH CONDITIONS.** The property will be developed as a single property with apartments and on-site amenities described by the applicant above. The amenities include a variety of features consistent with this policy which provide opportunities to walk, play, gather, and commune as a neighborhood.

*4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*

*b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

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**APPLICANT RESPONSE:** The site layout for this project includes a variety of pedestrian-friendly amenities:

- There are internal pedestrian walkways leading from the residential unit entrances to the common areas (buildings and open space) to the parking and utilitarian areas;
- There are also pedestrian walkways which lead to the private drive, and;
- There is a pedestrian walkway which connects the site to the public sidewalk on SE Stratus.

See Sheet L1.00, Materials Plan for detailed information about the hardscaped areas associated with the project.

**APPLICANT RESPONSE:** Although no streets will be constructed as a result of this project, the overall site area connects to the greater McMinnville area in the following manner: The project is providing low-traffic connections to the surrounding area by way of pathways within the project that connect to the greater street network. This network will help to improve options for those getting around by bicycle and as a pedestrian. The pedestrian connection to SE Stratus from the front of the site will also facilitate use of the bus service Route #2 from the Yamhill County Transit Authority (YCTA) as a connection to Three Mile Lane/Highway 18.

**FINDING: SATISFIED WITH CONDITIONS.** The property will be developed as a single parcel. As described above, the design provides for internal pedestrian circulation as well as connections from the site to external pedestrian facilities and connections to Stratus Avenue and Norton Lane. The on-site circulation provides multiple pedestrian routes to and through the site and its amenities and pedestrian gathering places. **As a condition of approval, the applicant will construct sidewalk frontage improvements along Stratus Avenue.**

*5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*

*b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

**APPLICANT RESPONSE:** As described in the Three Mile Area Plan, March 2022, the area has very limited bicycle facilities and suggests that *.....creating attractive, low-stress bicycle facilities on key routes within the study area will require examining traffic calming design adaptations and lower speed limits, and implementing buffered bike lanes or separated pathways will make cycling more attractive and safe.*

Although this project is not developing any new streets, the project is providing low-traffic connections to the surrounding area by way of pathways within the project and connecting outward. This will provide opportunities for cyclists in the way of off-road connections.

**FINDING: SATISFIED.** The property will be developed as single site. The applicant's response addresses this principle.

*6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*

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*a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*

*b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT RESPONSE:** Although no streets will be constructed as a result of this project, the overall site area connects to the greater McMinnville area in the following manner: The project is providing low-traffic connections to the surrounding area by way of pathways within the project that connect to the greater street network. This network will help to improve options for those getting around by bicycle and as a pedestrian. The pedestrian connection to Three Mile Lane/Highway 18 from the front of the site will also facilitate use of the bus service Route #2 from the Yamhill County Transit Authority (YCTA).

**FINDING: SATISFIED WITH CONDITIONS.** The site will develop as a single property and will continue to have access to the north and east, connecting to the frontage road and collector system of the area. The public street system standards are not at the discretion of the applicant; they will need to comply with adopted standards for the street system. The interim improvement will provide sidewalk improvements along the Stratus Avenue frontage. The Three Mile Lane Area Plan identifies future action items to for the frontage roads and collector system in the area to enhance bicycle and pedestrian facilities.

*7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

*a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*

*b. Design practices should strive for best practices and not minimum practices.*

**APPLICANT RESPONSE:** This project will comply with all federal and state building requirements for accessible design.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall clarify accessibility features of outdoor play areas, outdoor fitness areas, and other amenities.

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

*b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*

*c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

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**APPLICANT RESPONSE:** Human-scaled design is an important consideration of this project, as the entire site is nearly 7 acres, which is a large site. The site's overall context is one of larger, development projects (medical facilities, commercial uses across Three Mile Lane/Highway 18; and even Highway 18 itself. Therefore, bringing the entire project's elements to a human-scale is important to ascertain and has been accomplished as follows.

For **human scale design**, this has been addressed in the following manner.

- Using the context of the giant aviation, farm, and industrial buildings as a start to inform the character of the project but also incorporating human scale elements with details along the ground floor like porch elements pieces that create the spaces that are livable and enjoyable for residents.

For a **balance of design** within the overall built environment, this was addressed in the following way:

- Maintain the site's parking out to the perimeter to create a collection of walkable outdoor spaces
- The site's design also ensures that these same parking areas are buffered from the neighboring properties to the west and south with a 10' landscape buffer, trees and plantings.
- The parking areas also include a landscape buffer along Stratus Lane, which will both buffer pedestrians walking along Stratus and also provides a pleasant pedestrian connection mid-block to Stratus from this project;
- The buildings themselves are located to create a variety of outdoor spaces and the layering of the entries and their context help create the idea of home (front yard, front porch, and backyard);

For provisions of **comfortability**, the project has created the following:

- A variety of inclusive spaces to create community—these are echoed with the community buildings and outdoor spaces; and move to the quasi-public porches. There are a variety of visual and physical pedestrian connections between open spaces and the buildings which also promote safe, enjoyable experiences, health, recreation, and social interaction.

See Sheet G0.21, Renderings for overall views of the buildings and see Sheet G1.12, Site Plan for information regarding the entire site's layout.

**FINDING: SATISFIED.** The conditions of Ordinance 5095 address a unique site-specific requirement of contiguous open space. To accomplish this, parking is provided around the perimeter of the site, dispersing parking while providing for a contiguous open space with buildings oriented to these interior common area and open spaces. That results in a trade-off where there is a row of parking between the buildings on the Stratus Avenue frontage road, but that is minimized, and the buildings are dual-facing toward Straus Avenue and the on-site open spaces, but are abutting the open space, providing an outdoor patio and gathering space. Pedestrian connections are also provided between Stratus and the on-site pedestrian circulation paths and sidewalks. The applicant's response further addresses this principle.

*9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

*a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*

*b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*

*c. Neighborhoods are designed such that owning a vehicle can be optional.*

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**APPLICANT RESPONSE:** This project is within a variety of a mix of activity centers including the Willamette Valley Medical Center, Chemeketa Community College, and a variety of neighborhood-serving commercial. See G1.11, Vicinity Maps for an aerial illustrations of the surrounding areas.

**FINDING: SATISFIED.** The property itself will be a single property of approximately 6.5 acres in one ownership developed with 175 apartments and amenities for the residents. Currently, there are limited amenities nearby, but the Three Mile Lane Area Plan includes opportunities for additional mixed-use development opportunities and public spaces in proximity to the property.

*10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

*a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT RESPONSE:** As noted, this site is at the edge of the Urban Growth Boundary. As such, it is a transitional use from the agricultural uses to the south and the existing development. The scale proposed for this project, associated with the entire project, as well as with individual buildings, will function as a transition to the rural and urban areas.

**FINDING: SATISFIED.** The subject property is surrounded on all sides by properties within the Urban Growth Boundary with C-3 and R-4 zoning.

*11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

*a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

**APPLICANT RESPONSE:** The project will provide affordability for households earning less than 60% of the Area Median Income. Oregon Housing and Community Services, Yamhill County, Confederated Tribes of Grand Ronde support the project and the Oregon Health Authority. Each of these partners have provided development capital to aid in achieving affordability.

**FINDING: SATISFIED.** This development will contribute additional housing forms and types to the neighborhood and surrounding area further diversifying the housing in the area.

*12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

*a. Neighborhoods shall have several different housing types.*

*b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT RESPONSE:** This application will provide for a multi-family housing type using a variety of building forms and variety within its design. The responses to the criteria for 17.11 Residential Design and Development Standards, noted below, illustrate how this project is in compliance with the design criteria for residential housing as required by this section of the code.

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**FINDING: SATISFIED.** This development introduces additional housing types into the neighborhood. The development provides for 175 units of rental housing. The structures have complementary architectural themes, but the buildings have variation in shape, features, materials, color, and design treatments. Therefore, they provide a variety of forms and architectural variety. The site is not being developed with the repeating “cookie cutter” building design repeated multiple times on the site.

*13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

*a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

*b. Opportunities for public art provided in private and public spaces.*

*c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT RESPONSE:** There are a variety of unique and integrated design elements provided as part of this project.

- For item a. regarding environmentally friendly and energy efficiency, this project is targeting Earth Advantage certification;
- For item b., this project is providing a custom art mural in the common building; and
- In regards to item c., this project is providing a number of neighborhood elements, including outdoor lighting, outdoor seating, bicycle ribbon racks, and a variety of amenities throughout the site which will create a cohesive neighborhood. Amenities also include a community garden which, in addition to planting areas, will include seating and storage areas. Although not determined yet, project signage will be unified and will be limited to reflect the requirements of the previous Ordinance #5095, Criterion #5 and the applicable sections of Chapter 17.62, Signs. See Sheet L1.00 Materials Plan for information on locations of these amenities.
- There is also variety in the architecture building massing, materials and colors which also will contribute to the project’s unity and consideration as a neighborhood. See Sheet G0.21, Renderings for information about colors and materials of the proposed buildings.

**FINDING: SATISFIED.** While this will be single property, the common elements for the residents serve to provide a sense of community and create a unique sense of character and identify. The applicant’s responses further addresses specific unique and integrated design elements.

## **CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

### **GOAL X.1. TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.**

#### ***Policies***

**188.00** *The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

#### **APPLICANT’S RESPONSE: N/A**

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**FINDING: SATISFIED.** The proposal includes a proposed amendment to a Planned Development and master plan, which requires a Planning Commission decision. The Zoning Ordinance provides for a concurrent consolidated review process when there are multiple applications associated with a development proposal, using the procedure that provides the greatest opportunity for public involvement. The Three Mile Lane Review and Landscape Plan Review are included in this concurrent review which provides greater opportunity for public involvement.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and submitted the required documentation with the application.

### **Three Mile Lane Area Plan (Ordinance 5126) – Policies and Urban Design Elements**

**Note:** *The applicant’s narrative referenced the March 2022 draft document. The final plan was adopted in November 2002 by Ordinance 5126. Policies 1-21 cited by the applicant are the same as the adopted language. Policies 22-24 are also cited below.*

**APPLICANT’S RESPONSE:** As described in the Three Mile Lane Area Plan: “The [Area] is a unique district in the southeast portion of the City of McMinnville. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. The Three Mile Lane Area Plan is intended to create an implementable vision for the area’s future land uses and multi-modal transportation system.”

As this project site is located within the Area Plan, identified as the “New mixed-use and health care-related uses have been identified near the existing hospital. Housing, especially senior housing, is a very strong market opportunity. Building forms are expected to be horizontal mixed-use, rather than vertical mixed-use.”

#### **Three Mile Lane Policies**

As described in the Plan: “The following policies are intended to guide development and future planning decisions in the Three Mile Lane area. These policies implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principles are expected to be expressed in the future growth and development of the Three Mile Lane Area.”

The responses to how this project is in agreement with the 21 policies of this Plan is noted below.

*1. Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.*

**APPLICANT RESPONSE:** This project is located within the area identified as the Health Care Area and the applicable design elements of the Three Mile Lane Area Plan are as follows:

The Plan notes Transitions between uses such as Health care facilities and surrounding residential areas and Health care facilities and other commercial uses.

This project provides for multifamily housing with ample amount of site landscaping and buffering from the transportation generators of the nearby medical facilities. The project provides affordable housing for those who may work at the nearby medical facilities as well.

The Plan notes Walkability between uses, and reflects convenient, safe connections between a variety of uses in this area will be important to current and future users.

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This project provides for increased pedestrian connections in the form of a walkway system that connects residents throughout the site area as well as to the greater neighborhood.

Lastly, the Plan references, Visual quality of buildings facing OR 18 and that new development should avoid placing loading docks or creating blank walls visible from passing vehicles.

For this project, the buildings have been oriented to create some visual activity along OR 18, while understanding that this is balanced with the need to provide residents with an internal courtyard and open space amenities to create a neighborhood feeling. The visual quality of the site along Three Mile Lane/Oregon Highway 18 has been enhanced by the use of landscaping and building colors and materials. See G0.21, Renderings and G1.31, Elevations for views of the development and its visual quality along Three Mile Lane/Oregon Highway 18.

**FINDING: SATISFIED.** The Health Care Area, referenced by the applicant, states the key urban design elements listed below. Apartments are a permitted use on the subject property. The relationship to surrounding land uses and the internal design of the site addresses these elements as described by the applicant. The visual quality of the buildings facing the highway, including the 1-story building and the two residential structures have “faces” toward the highway, with architectural features windows and openings, and landscaping, which are appealing from passing vehicles.

#### *Health Care Area*

##### *Key Urban Design Elements*

- *Transitions between uses: Health care facilities and surrounding residential areas. Health care facilities are often active around the clock with bright lighting and they generate significant vehicle traffic. They also require a lot of delivery traffic and, in the case of a major medical center, helicopter use. Buffering between uses should be considered, particularly senior housing or market-rate apartments with trees, landscaping and other treatments. Assisted living or nursing care facilities, however, would benefit from close proximity to the hospital.*
- *Transitions between uses: Health care facilities and other commercial uses. The scale and orientation of existing uses, as related to future uses should be considered. For example, while Senior Housing might benefit from a location within walking distance of a retail center, there should be careful site planning to ensure the housing isn't directly adjacent to loading or parking facilities. It may be most feasible to place health-care related housing with an orientation south towards views and the river.*
- *Walkability between uses. Convenient, safe connections between a variety of uses in this area will be important to current and future users.*
- *Visual quality of buildings facing OR 18. New development should avoid placing loading docks or creating blank walls visible from passing vehicles.*

*2. Public improvements and private development shall strive to protect tree groves and mature individual trees.*

*3. Riparian corridors and adjacent native landscape shall be protected.*

**APPLICANT RESPONSE(S):** Although this site does not contain any significant trees or groves or riparian corridors, or native landscaping; the project is providing improved stormwater facilities

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which will benefit this site. The project's landscaping plan elevates native and indigenous plantings as part of the plant selection.

**FINDING: (Policies 2 and 3): SATISFIED.** There are no existing tree groves, mature individual trees, riparian corridors, or adjacent native landscaping.

*4. The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.*

**APPLICANT RESPONSE:** The project's overall height and vertical units/balcony areas will provide views to the common open space areas and the greater view corridor.

**FINDING: SATISFIED.** No new streets are proposed. The structures are setback on the site such that existing views from the public right-of-way are maintained to the extent practical. Internally, the residential units have internal views of the common open space and landscaped areas, while external facing windows face toward the distant terrain to the south and east.

*5. Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.*

**APPLICANT RESPONSE:** This project provides for increased pedestrian connections in the form of a walkway system that connects residents throughout the site area as well as the greater neighborhood. This increase in pedestrian connections assists with the connections to the overall trail system.

**FINDING: SATISFIED.** This site doesn't have direct connections to the parks or river, but provides pedestrian connectivity to multiple street frontages that would provide relatively direct pedestrian routes to connect to a greenway system as described in this policy.

*6. New gathering spaces will be designed to incorporate natural areas and views.*

**APPLICANT RESPONSE:** The project's design includes a variety of common open space areas which will create gathering spaces for residents.

**FINDING: SATISFIED** With surrounding development (existing and future), there are limited ground-level views from the site, but there are opportunities for views from upper story structures. There are no existing unique natural areas on the site to be incorporated into the gathering spaces, but the site includes a variety of natural elements into the gathering spaces and common areas, including a nature play area.

*7. Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.*

**APPLICANT RESPONSE:** In regards to native landscape plantings, the overall planting palette will be comprised of native and adapted species within the Willamette Valley, per the design team's professional best sustainability practices, and as a way to celebrate the identity and character of this local environment. Additionally, the design team is in contact with the Confederated Tribes of Grand Ronde to determine ways to incorporate first food and culturally significant plant species throughout the project, which will provide educational value and a sense of connection with the land. See Sheet L5.00, Planting Plan Overall for details on the types of plants and their location.

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In response to tree canopy, the project will provide a tree canopy at the perimeter of the buildings and along the main pedestrian walkways, as well as in the Meadow area and gathering spaces throughout the site. The street trees along the SE Stratus frontage will be per the City of McMinnville's approved tree list. The specific species selection for all trees will be chosen to enhance the overall tree canopy in the region. See Sheet L5.00, Planting Plan Overall for details on the types of trees and their location.

**FINDING: SATISFIED WITH CONDITIONS.** The landscape plan and applicant's response demonstrate consistency with this policy. There are some Ponderosa Pines in parking lot islands and adjacent to parking, some of which may need to be substituted or provided elsewhere on site as conifers are not permitted parking lot trees.

*8. A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*

**APPLICANT RESPONSE:** This project provides for increased pedestrian connections in the form of a walkway system that connects residents throughout the site area as well as the greater neighborhood. This increase in pedestrian connections assists with the connections to the overall trail system. See L1.00 Materials Plan, for details on the site's hardscape treatments.

**FINDING: SATISFIED.** The internal site design and connectivity to the adjacent street network provide opportunities for linkages to the sidewalk and trails system.

*9. The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.*

*10. Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.*

**APPLICANT RESPONSE(S):** The site design does not include any new streets; however, the increased amount of site connections will assist with providing options for bicycling off-of the greater street network which has higher speeds and is less conducive to bicycle travel. See L1.00 Materials Plan, for details on the site's hardscape treatments.

**FINDING: SATISFIED WITH CONDITIONS.** No new streets are proposed. The applicant will need to comply with the provisions of the Three Mile Lane Planned Development Ordinance, including requirements for frontage improvements and right-of-way along the Stratus Avenue frontage/collector road, which is intended to provide a safe network for all modes including pedestrians and bicycles. The current improvement will be an interim improvement that retains the current curb line and provides sidewalks along the Stratus Avenue frontage.

*11. New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.*

**APPLICANT RESPONSE:** No commercial development is being included with this project.

**FINDING: NOT APPLICABLE.** The proposal is not a commercial development.

*12. New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.*

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**APPLICANT RESPONSE:** As a multi-family project on a large site, special considerations have been made to also adapt to different conditions within the site as it relates to natural lighting, aspect, and micro-climates around the buildings. Specifically, this has been accomplished with more shade tolerant species on the north side of the buildings, and plants that thrive and require sun on the south sides and more exposed areas. The project has been designed with thoughtful open space areas at a variety of scales to encourage and enhance the resident's connections to nature and the outdoors. Information on the site's porches and balconies can be found on Sheet G1.13 and the site's overall features can be found on G1.12, Site Plan.

**FINDING: SATISFIED.** The plans and applicant's response demonstrate compliance with this policy.

*13. New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.*

*14. Encourage mixed-use development where feasible.*

**APPLICANT RESPONSE(S):** No commercial, office or mixed use, industrial development is being included with this project.

**FINDING: NOT APPLICABLE.** The proposal doesn't include these uses.

*15. Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.*

**APPLICANT RESPONSE:** This project's landscaping is providing special attention to the agricultural history of the McMinnville area. It is doing so by providing a community garden—a community garden is a direct link to the agrarian heritage and will create community by providing opportunities for recreation and will enable residents to grow and eat locally grown food. Plants chosen for the community garden will be part of discussions with the Owner and the residents, but it could include plants such as raspberries, blueberries and table grapes that provide seasonal interest and edible fruit to the community. Additionally, the location of the plots is based on maximizing sun exposure, ease of access and visibility as a site amenity that celebrates community. See Sheet L5.00, Planting Plan Overall for details on the types of plants and their location.

**FINDING: SATISFIED.** Policy 7 above provides, "7. Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy." Policy 15 addresses site landscape to reflect patterns of wine industry and consider functional site planning of vineyard and farm complexes as conceptual models.

The proposed landscape plan includes elements of both native plantings and design elements informed by agricultural patterns, both aesthetically and functionally.

*16. New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.*

*17. Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.*

**APPLICANT RESPONSE(S):** This project provides a variety of responses in regards to the project's adjacency, both physically (site's proximity to the Urban Growth Boundary) and in a

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reflective manner (Three Mile Lane Plan and associated design framework), to the proximity and importance of agriculture within the City's context. These include the following:

- The project provides simplified buildings and gable roof forms that directly relate to the vernacular from the agricultural McMinnville context;
- The roof forms for the private open space porch and balcony elements are a simple, single-slope lean-to, reflecting agrarian forms;
- The materials for the patios, balconies and the common building incorporate natural materials like wood and metal (roofs). These materials connect, and draw inspiration from the agrarian architecture of the region; and,
- The decision to use a metal roof was important for the overall view the residents have from their apartment in the units above the ground level.

See G0.21, Renderings, for overall views of the project and the architectural forms which have been developed for this project.

**FINDING: SATISFIED.** The plans and applicant's response address this policy. In addition, the site isn't directly adjacent to agricultural lands outside the UGB. Surrounding properties are developed or planned for development.

*18. Encourage a diversity of future housing forms, types, and design that respect the current character of the area.*

**APPLICANT RESPONSE(S):** This project provides a multifamily housing type at a scale that is respectful of the area. This scale is evident in G1.31, Elevations and how the proposed height is respectful of the variation in surrounding buildings. The project's location, between larger institutional uses and residential uses, bridges this transition using moderate sized buildings, ample open space and agrarian transitional forms.

**FINDING: SATISFIED.** The plans and applicant's response address this policy.

*19. Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.*

**APPLICANT RESPONSE(S):** No commercial or industrial development is being included with this project, however, this project's location and scale helps to create a welcoming and visible interface setback along Highway 18/Three Mile Lane.

**FINDING: NOT APPLICABLE.** This project is not commercial or industrial campus development.

*20. Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, wine-making).*

**APPLICANT RESPONSE(S):** This project provides a variety of both site design and architectural responses that reflect the proximity and importance of agriculture within the City's historical and current context. These include the following:

- The project's simple building forms, gable roofs, and a variety of windows and porches. All these elements are used to create a neighborhood that is a comfortable place to come home and relates to the agricultural vernacular found in the City of McMinnville.

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- The material palette is inspired by the agricultural architecture of the region and it achieves this by incorporating natural materials that are both timeless and durable.

**FINDING: SATISFIED.** The plans and applicant's response address consistency with this policy.

*21. New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.*

**APPLICANT RESPONSE(S):** Although this project is not a mixed-use project, the color choices have been selected to reflect vibrancy in response to this attribute and to provide for a 'Unique and Integrated Design Element' as described in Great Neighborhood Principle #13. Each building has been selected for a different, yet, complementary color. The overall color palette was chosen to reflect to the local materials in the following manner:

- The residential buildings will have a color palette inspired by the weathered look of barnwood, and the red that is sometimes traditional in old barns. The result of the warm earthy tones derived from this palette ensures that each building will have its own unique color to create variety and interest, both from a site-wide perspective and to provide individual building character.
- The common building will be all stained fiber cement (Woodtone) to bring some warmth and complement the solid color material of the residential buildings. Stained fiber cement will also be used on the back wall at the recessed balconies of the residential buildings to create a connection with the common building, establishing a cohesive and unified design.

See G0.21, Renderings, for overall views of the project and the architectural forms which have been developed for this project.

**FINDING: NOT APPLICABLE.** The proposal doesn't include these uses.

*22. Public safety services shall be considered as part of the master planning, including access, response times, and opportunity for substations if needed.*

**FINDING: SATISFIED WITH CONDITIONS.** While this policy appears to address larger master planning aspects of Three Mile Lane, this application has been reviewed by the Fire Marshal, and the site development will need to be consistent with applicable fire codes.

*23. Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus.*

**FINDING: NOT APPLICABLE.** No industrial use is proposed.

*24. Significant natural features shall be inventoried and protected as much as possible within new development plans.*

**FINDING: NOT APPLICABLE.** No significant natural features are present.

## **ZONING ORDINANCE**

### **Chapter 17.11. Residential Design and Development Standards.**

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**APPLICANT RESPONSES:****A. Chapter 17.11 Residential Design and Development Standards**

17.11.012 *Introduction to Housing Types.*

**17.11.090 Apartments**

...

**B. Types of Apartments.**

...

**B.3. Apartment Block.**

a. *Description: Stacked dwelling units in a single building or groups of buildings on a single lot. Parking is shared, and entrance to units is typically accessed through a shared lobby.*

b. *Appropriate Context: Apartments vary widely in size and design but typically have large footprints and fit in well to the edges of single dwelling neighborhoods and on major streets.*

c. *Also Named: Flats, multi-dwelling, apartments*

d. *Variations: Flats, lofts, two-level flats, split-level flats, through-building flats.*

e. *Lot Sizes: Vary widely, from 7,200 to 320,000 square feet.*

f. *Density Range: 10 - 200 units per acre. (Note, maximum density will be governed by McMinnville's municipal code.)*

g. *Building Height: 2-5 stories, if adjacent to or within a single dwelling neighborhood context. Can be much taller in central city areas. (Note, maximum height will be governed by McMinnville's Municipal Code.)*

h. *Construction Type and Building Code Issues: Type V frame construction for buildings under 5 stories. Type V frame construction over Type I, for 6 or 8 stories, or Type I for taller buildings. Sprinklers for fire suppression are required. Elevators needed if over 3 stories.*

**Applicant Response:** The use for this site is an Apartment Block, which, was evaluated and approved for this site per the approval of Planned Development Amendment #5095, Condition #7.

e. Lot size. The lot size for this project is approximately 7 acres/304,920 square feet.

f. Density: The proposed density for the project is 175 units; with a 7 acre site, this project site could support a higher density based on the applicable standard of the R-4 zone (the allowable residential density of the C-3 zone) in 17.21.060, Density requirements:

*17.21.060 Density requirements.*

*In an R-4 zone, the maximum density for single attached dwelling may not exceed four dwelling units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units.*

Four dwelling units per every 5,000 square feet would equate to 243 units based on the site size of 304,920 square feet. As a result, this project is under the maximum density for the site.

**[Staff Note: As cited above, the maximum density provision only applies to single-attached dwellings, i.e. common-wall townhouse units where each dwelling is on a separate lot. "Density maximum may not apply to any other permitted housing types."]**

g. Building height: The proposed height is at its highest point, approximately 48 feet tall. The project is proposing a modest three story building height for all buildings.

h. Construction type: The proposed construction type is 5B.

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**C. Development Standards.**

**Applicant Response:** Responses to the code criteria for 17.11.090.B.3 Apartment Block are noted in Table 1 below. See Sheet G1.12, Site Plan for all dimensions noted in Table 1.

TABLE 1. MULTI-DWELLING DEVELOPMENT STANDARDS

<b>Code Requirement</b>	<b>Requirement for site without Alley</b>	<b>Applicant Response</b>
a) Lot width (feet)	50 feet minimum	The existing lot(s) each contain a minimum of 50 feet of lot width. The resulting lot dimension after consolidation will be at least 50 feet at the street frontage of SE Stratus.
b) Lot depth (feet)	100 feet minimum	The existing lot(s) each contain a minimum of 100 feet of lot depth. The resulting lot dimension after consolidation will be at least 100 feet at the street frontage in parallel with SE Stratus.
c) Lot size	5,000 feet minimum	The existing lot(s) each contain a minimum of 5,000 square feet. The resulting lot dimension after consolidation will be at least 5,000 square feet.
d) Front Setback (feet)	15 feet minimum	The minimum front setback of 15 feet has been met along the frontage of SE Stratus.
e) Side Setback (feet)	Interior: Min. 3 or 5 feet Exterior: 10 feet	The minimum side setbacks of 10 feet (exterior) has been met along all property lines.
f) Rear setback (feet)	20 feet minimum	The minimum rear setbacks of 10 feet (exterior) has been met along all property lines.
g) Building height (feet)	Varies, See underlying zone	A request to modify the building's height from 35 feet (Condition #2) to 48 feet is noted in Section IV of this application.
h) Parking Zone	For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.	No garages have been proposed as part of this design.
i) Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.	Proposed driveway locations have been noted on Sheet G1.12, Site Plan.
j) Off-street Parking	As per Chapter 17.60.060.A. The mix of units includes 1, 2 and 3 bedroom units and office space. The parking calculation references	Total required: 141 spaces: $145 \text{ units} * 0.5 = 72.5 \text{ spaces}$ (round up)

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Code Requirement	Requirement for site without Alley	Applicant Response
	<p>affordable housing for the 2-bedroom or less units and the multifamily requirement for the three-bedroom units and office for the areas devoted to staff.</p> <p>3. <u>One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.</u></p> <p>8. <u>Affordable Housing – Two - bedroom or less, serving households of 80% Area Median Income (AMI) or less (AMI is calculated per Yamhill County as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.)</u> Income levels will need to be certified.</p> <p>0.5 spaces per dwelling unit for units 2 bedroom or less.</p> <p>17. Professional office (non-medical or dental): 1 per 300 square feet.</p>	<p>30 units * 2 = 60 spaces Office/Common Building: 8 spaces based on square footage.</p> <p>The project is providing 5 required loading spaces per 17.60.070 Off-street loading requirements.</p> <p>Total provided: 211 parking and loading spaces + 41 shared parking spaces with the adjacent medical office per private agreement. Grand total: 252 spaces</p>

**D. Design Standards.**

The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space.

**1. Context and Site Design.**

Site design standards are intended to facilitate the development of attractive multi-dwelling housing. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community, and fosters a quality environment for residents and neighbors.

**1a. Mirror the scale of blocks and the block-like structure of the surrounding neighborhood.**

**APPLICANT RESPONSE:** The site’s location is at a transition point from suburban to rural, (at the edge of the Urban Growth Boundary) and, therefore, the project is trying to create the neighborhood and scale which begins developing this urban context while responding appropriately to the surrounding context of the larger area. The surrounding buildings are mostly

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commercial or industrial, and so there is not a lot of residential context to relate to. However, the project is responding to this transition by having a finer grain than these existing institutional buildings. The project is keeping with the larger, simpler, building forms while bringing the human scale, applying residential elements, such as porches and open space areas. The project is seeking to create a neighborhood within the larger context of the City of McMinnville and being of this larger place while still maintaining its own unique identity.

*1b. Connect the internal network of streets and paths to those of the surrounding area where possible.*

**APPLICANT RESPONSE:** Although no streets will be constructed as a result of this project, the overall site area connects to the greater McMinnville area in the following manner: The project is providing low-traffic connections to the surrounding area by way of pathways within the project that connect to the greater street network. This network will help to improve options for those getting around by bicycle and as a pedestrian. The pedestrian connection to Three Mile Lane/Highway 18 from the front of the site will also facilitate use of the bus service Route #2 from the Yamhill County Transit Authority (YCTA).

*1c. Configure apartments, parking areas, and common open space in clusters that mirror the scale of blocks of the surrounding neighborhood or are no more than 10,000 square feet in area per cluster.*

**APPLICANT RESPONSE:** As described above, the surrounding sites and their buildings are mostly commercial or industrial and as such, have a very large scale. It is important to note that there is not a lot of residential context to relate to, however, the configuration of the site has been approached in the following manner:

- The project started by using the context of the larger aviation, farm, and industrial buildings to inform the character of the project.
- The site design divides the project into a north and south portion with a pedestrian connection in between that aligns with the surrounding road to the east of the site. This helps to set the scale for the buildings, while also responding to the expected scale of the neighborhood and establishing a relationship that makes it fit with the neighborhood;
- Similarly, the large site is divided east/west with a pedestrian path that connects with all the buildings through a variety of common open spaces that also helps to set the scale for the buildings; and
- The buildings are positioned on the site to create a variety of outdoor spaces which are both visually and physically accessible from each building.

See G1.12, Site Plan, for additional detail on the layout of the site.

*1d. Residential units must be oriented to a common open space, including a common green, a plaza, or a pocket park.*

**APPLICANT RESPONSE:** There is a large area identified as Open Green/Commons area that is centrally located, behind the Community building. This area is to benefit all residents, but is in closest proximity to Buildings #1 and #2. There is also the Meadow open space area located between Buildings #3 and #4. There are also community garden areas at the Eastern edge of the site.

*1e. Orient all buildings around a shared open space that meets the requirements of a Common Open Space.*

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**APPLICANT RESPONSE:** As described above, the site is comprised of multiple buildings and each building has access to two large common open spaces which meet the requirements of a Common Open Space. Both of these areas, the Open Green/Commons and the Meadow, include areas with clear functionality that serve as the focus to the surrounding buildings; they also area accessible to all residentials and provide opportunities for both active and passive activities.

*1f. Align buildings to surrounding streets.*

**APPLICANT RESPONSE:** The buildings have been designed to align to the surrounding public street (SE Stratus) and also the private access drive.

- The site design divides the project into a north and south portion with a pedestrian connection in between that aligns with the surrounding road to the east of the site. This helps to set the scale for the buildings, while also responding to the expected scale of the neighborhood and establishing a relationship that makes it fit with the neighborhood; and
- Similarly, buildings along SE Stratus are arranged to create a variety of scales: the large site is divided east/west with a pedestrian path that connects with all the buildings through a variety of common open spaces that also helps to set the scale for the buildings.

*1g. Connect to surrounding neighborhoods, schools, parks, and other neighborhood destinations.*

**APPLICANT RESPONSE:** Connections to surrounding destinations have been made at a variety of scales: from the automobile scale, providing access onto SE Stratus and the private access road and from a pedestrian and cyclist scale with a series of pedestrian connections to these roadways and throughout the site.

## **2. Large Site Design Requirements.**

*2a. Break up parking into smaller areas and access from side streets when possible*

**APPLICANT RESPONSE:** The parking has been divided into multiple areas at the perimeter of the site. This has been done to create a collection of walkable outdoor spaces connected throughout the site. The access to the site is from SE Stratus and from the private access drive—both are lower-scale streets than the adjacent Three Mile Lane/Highway 18. Additionally, the building's and the associated parking areas are oriented so that each building has access to parking near residential units for convenience. The project has minimized the associated widths of the overall parking so that it functions more like a road than a parking lot. This also works to minimize the less-sightly views of an expanse of automobile parking.

*2b. Connect parking areas, building entries, and open spaces with paved walkways.*

**APPLICANT RESPONSE:** The site has connected all areas of the site with a hierarchy of hard-scaped walkways enabling residents, building users and visitors to circulate around the site and its amenities. See Sheet L1.00, Materials Plan for information about the hardscaped areas.

*2c. Buffer parking areas with landscaping*

**APPLICANT RESPONSE:** As described, a variety of landscaped buffers are provided: this includes a large buffered area at the west of the site which includes a fence and landscaping as

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well as along SE Stratus, which provides a large buffered area. Landscaping has also been used throughout the parking areas on an internal basis to help reduce the heat-island effect, manage stormwater and create a pleasant walking environment. See Sheet G1.14 Site Area Calculations for information on the quantities of landscaping throughout the site.

As a result of existing site conditions (an existing access/parking and maintenance easement, this project is requesting a modification for one area of required landscaped buffer. See Section IV of this application.

*2d. Minimize the width and number of driveways and curb cuts*

**APPLICANT RESPONSE:** There are a minimal number of driveways and curb cuts for the site. There is one access provided on SE Stratus and two along the private access drive. The dimensions and locations of these driveways are minimized to the required access needed for fire access, trash, parking and loading.

*2e. Provide different types of open space throughout site, both active and passive, including playgrounds, trails, volleyball courts, bocce ball courts, community gardens, etc.*

**APPLICANT RESPONSE:** As described, there are multiple locations throughout the site where residents may be able to have access to open space in a variety of formats. This includes two large common open spaces which meet the requirements of a Common Open Space. Both of these areas, the Open Green/Commons and the Meadow, include areas with clear functionality that serve as the focus to the surrounding buildings; they also area accessible to all residents and provide opportunities for both active and passive activities. There are also areas for a community garden as well.

*2f. Align buildings to surrounding streets*

**APPLICANT RESPONSE:** The buildings have been designed to align to the surrounding public street (SE Stratus) and also to the private access drive.

*2g. Centrally locate common buildings and spaces*

**APPLICANT RESPONSE:** A Common Building has been provided in a centrally located place on the site. There is also a complementary open space area adjacent to this Building. Additional open spaces have been provided throughout the site as well. These spaces all work together to create places for the community to come together and they are physically separated from the surrounding utilitarian uses of parking, enabling a safe, human-scale design.

*2h. Group apartments, parking, and open space into smaller clusters*

**APPLICANT RESPONSE:** As described above, the configuration of the site has been approached in the following manner to create smaller clusters at a residential-scale:

- The site design divides the project into a north and south portion with a pedestrian connection in between that aligns with the surrounding road to the east of the site. This helps to set the scale for the buildings, while also responding to the expected scale of the neighborhood and establishing a relationship that makes it fit with the neighborhood;
- Similarly, the large site is divided east/west with a pedestrian path that connects with all the buildings through a variety of common open spaces that also helps to set the scale for the buildings; and
- The buildings are positioned on the site to create a variety of outdoor spaces which are both visually and physically accessible from each building.

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See G1.12, Site Plan, for additional detail on the layout of the site.

**3. Pedestrian Access.** *On-site pedestrian circulation system shall include:*

*3a. Continuous connections between the primary buildings, streets abutting the site, ground-level entrances, common buildings, common open space, and vehicle and bicycle parking areas.*

*3b. At least one pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.*

*3c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.*

*3d. Walkways shall be constructed with the hard surface material, shall be permeable for stormwater, and shall be no less than 3 feet to 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.*

*3e. Spacing requirement: No further than 200 feet apart, on center. At least 1 pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.*

*3f. May be co-located with a common green.*

**APPLICANT RESPONSE:** The front setback of the site fronts SE Stratus and as this distance exceeds 200 linear feet, a direct pedestrian connection is provided near mid lot to SE Stratus. See G1.12, Site Plan, for additional detail on the layout of the site.

**4. Parking Lot Location and Design.**

*4a. Characteristics.*

*1. A parking lot is a storage space for cars and should provide secure storage.*

*2. It is also a place where everyone is a pedestrian while getting to or from their car. Therefore, it should be designed primarily for the ease, safety and comfort of a person rolling or on foot.*

*3. Clearly defined pathways through parking lots and garages to building entrances, surrounding sidewalks, and transit stops enhance pedestrian safety. These pathways also provide an opportunity to improve the appearance of parking lots.*

*4. Design parking lots and garages so that vehicles are not the dominant feature.*

*5. To encourage bicycling as a mode choice, bike parking areas should include bike repair, maintenance, and cleaning stations.*

**APPLICANT RESPONSE:** Although this is not a criterion, the parking lot design and the corresponding parking lot location and criteria have responded to these criteria in a.1-5.

*4b. Universal Design Standards for Nine Parking Spaces or More.*

*1. Parking lot pathways should be designed as part of the seamless accessibility network described in Apartment Standards, particularly the required Through Connection.*

*2. Driveways to shared parking areas are:*

*1. Limited to one driveway per street frontage.*

*2. Parallel parking is permitted on a driveway that crosses a front, side or rear yard abutting a street, but not within the required yard setback.*

*4c. Parking Lots For Small Multi-Dwelling Sites - Containing More Than Nine Parking Spaces but Fewer Than 16 Parking Spaces.*

**APPLICANT RESPONSE:** This project is providing more than 16 parking spaces; this subsection is not applicable.

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*4d. Parking Lots For Medium-to-Large Multi-Dwelling Sites-Containing More Than 16 Parking Spaces.*

- 1. Interior landscaping, minimum area*
- 2. Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.*
- 3. For parking lots less than 50,000 square feet, the minimum landscaped area is 5 percent.*
- 4. For parking lots 50,000 square feet and greater, the minimum landscaped area is 8 percent.*

**APPLICANT RESPONSE:** The site's parking area is greater than 50,000 square feet and as such, is providing at least 8% in landscaping. Details on the percentage of landscaping can be found on Sheet G1.14, Site Area Calculations.

- 5. Planted areas may take the form of landscape areas and planter bays.*

**APPLICANT RESPONSE:** The planting areas proposed do include smaller landscaped areas and planter bays distributed throughout the parking area. Details on the percentage of landscaping can be found on Sheet G1.14, Site Area Calculations.

- 6. Landscaped areas along a through connection count toward required interior landscaping.*

**APPLICANT RESPONSE:** Understood by the Applicant.

- 7. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non-columnar and have root systems that form deep before spreading to decrease the episodes of buckled pavement.*

**APPLICANT RESPONSE:** The parking lot design considers planting islands with trees and plantings throughout, providing a rhythm of vegetation and legibility for circulation and wayfinding. Details on the plantings within the parking area can be found on Sheet L1.00, Materials Plan.

- 8. Trees may line the required Through Connection, and/or be clustered within landscape islands or planter bays, and/or shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.*

**APPLICANT RESPONSE:** As noted on the associated landscaping plans, trees appropriate for the location have been included in the parking areas and planter bays. Details on the plantings within the parking area can be found on Sheet L1.00, Materials Plan.

- 9. When a parking area abuts property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line.*

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**APPLICANT RESPONSE:** A parking area is located adjacent to residentially-zoned (R-4) property directly to the west of this site. As a result, a landscaping buffer, coupled with a site-obscuring fence has been provided along this length of the property. Details on the plantings within the parking area can be found on Sheet L1.00, Materials Plan.

*4e. Parking Lot Setbacks Adjacent to Buildings and Structures. Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be set back from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, or by a minimum five-foot-wide paved pedestrian walkway.*

*4f. Parking Lot Location. Off-street parking spaces and vehicle maneuvering areas shall not be located:*

- 1. Within of 20 feet from any street property line, except alley property lines;*
- 2. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.*
- 3. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

**APPLICANT RESPONSE:** The project meets the f.1 portion of this requirement: the parking area is not located within 20 feet of a street (SE Stratus) property line. Parking spaces are setback in order to meet this requirement. See Sheet G1.12, Site Plan for detail on this requirement.

This project is not providing cottage development, and therefore, criterion f.2 is not applicable.

For f.3, an existing and shared by easement parking area is located within 10 feet of another property line. This parking area is part of an existing access/maintenance/parking easement with the adjacent property owner. This situation is addressed as part of a modification for a reduced landscape buffer at this portion of the site. See Section IV for additional information regarding this request.

*4. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.*

**APPLICANT RESPONSE:** The project is providing landscaping along SE Stratus to separate the parking from the public street of SE Stratus. Details on the plantings within the parking area can be found on Sheet L1.00, Materials Plan.

- 5. Garages and carports (whether shared or individual) must not abut common courtyards.*
- 6. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.*
- 7. Individual detached garages must not exceed 400 square feet in floor area.*
- 8. Garage doors for attached and detached individual garages must not exceed 20 feet in width.*

**APPLICANT RESPONSE:** Garages and carports are not provided with this project. These criteria are not applicable.

*4g. Parking Lot Required Through Connections. Through Connections may be multi-modal or used exclusively for bicycle and pedestrian access and need to meet the standards in Table 1 below.*

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**APPLICANT RESPONSE:** As described, connections through the parking area(s) have been provided at a variety of points along the site, both to connect the site for pedestrian and cyclist convenience and for auto access as well. This includes two connections along the private access drive and one auto connection along SE Stratus. A pedestrian-only connection has been made mid-block at SE Stratus to the site as well.

## **5. Common Open Space.**

### *5a. Characteristics.*

- 1. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sports fields, play structures, bike tracks, courts, swimming pool, or other options.*
- 2. Provide tall deciduous trees for summer shade and winter solar access. When possible, preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*
- 3. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*
- 4. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*
- 5. Provide opportunities for food cultivation including a community garden and/or incorporating cultivated species into the landscaping.*
- 6. A maximum of 50 percent of common open space may be provided in a rooftop deck that includes shared amenities, weather protection, and landscaping, and is accessible to all residents.*
- 7. A shared outdoor courtyard or shared street/woonerf that is fronted by individual entrances, windows, and balconies. There should be a combination of hardscape and landscaped space and/or planters.*

**APPLICANT RESPONSE:** These characteristics are not requirements, however the responses to the Required Elements noted below have been informed by these characteristics.

### *5b. Required Elements, General.*

- 1. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open spaces shall be accessible to all residents.*

**APPLICANT RESPONSE:** There are two common spaces proposed in the development. On the north side, between buildings 1, 2 and the Common building, an open green will provide a focal point for community activities, both active and passive, events and open play, and accessible to all. The north edge of the open green engages with the porch area of the common building to act as a potential stage; the south edge includes zones for nature play, with paths that connect with the rest of the development.

For Buildings 3 and 4, a meandering path with a meadow inspired landscape will provide a place for strolling, sitting and contemplation. The character of the landscape will create ties to the regional landscape and strengthen a sense of place.

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Individual units will have plenty of visibility towards these spaces, and in some instances building access/entry doors as well.

Information on the layout of these areas can be found on Sheet G1.12, Site Plan. Information on the details of the site furnishings can be found on Sheet L1.00 Materials Plan.

*2. Common open space shall be a minimum of 15 percent of the site.*

**APPLICANT RESPONSE:** This project will exceed a minimum of 15% of the site in common open space. Calculations are provided in conjunction with the landscaping plans provided with this application on Sheet G1.14, Site Area Calculations.

*5c. Required Elements, Clustered Housing. Clustered housing, including cottage clusters and garden apartments, must share a common courtyard in order to provide a sense of openness and community of residents.*

**APPLICANT RESPONSE:** This project is not providing Clustered housing. This subsection is not applicable.

## **6. Private Open Space.**

### **6a. Characteristics.**

*1. Every dwelling needs private open space for relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.*

*2. They should translate into a perception of an increase in living space and the ability to invite the outdoors in. Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should be adequate to be usable, allowing space for a chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up.*

*3. Private open space should enhance the residential function of the building while also improving the appearance of the building. They should be integrated into the overall architectural form and add detail to the façade.*

*4. Placement can vary based on privacy concerns. It can be combined across multiple floors.*

**APPLICANT RESPONSE:** The provision of private open space for residents has taken into consideration the characteristics of private open space noted above in conjunction with the required elements noted below. See Section IV regarding request for modification in conjunction with the Planned Development Review.

### **6b. Required Elements.**

*1. All units shall have a minimum of 36 square feet of private open space that allows for personalization and private use of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase airflow and provide the ability to control access to the outdoors.*

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**APPLICANT RESPONSE:** All ground-floor units meet this requirement. A request for a modification to this standard for the upper-floor units is requested in Section IV of this application. See Sheet G1.13, Open Space Diagrams for details of this design element.

*2. At least 50 percent of upper units shall have a balcony that is accessible from the interior of the unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.*

**APPLICANT RESPONSE:** A request for a modification to this standard is requested in Section IV of this application. See Sheet G1.13, Open Space Diagrams for details of this design element.

*3. Private outdoor space at the ground level must meet the requirements of Universal Standards: Front Yard regardless of whether the private outdoor space is in the front, side, or rear of a building.*

**APPLICANT RESPONSE:** The project meets the private outdoor space at the ground level, all units at the ground level provide a patio that serves as outdoor space and meets the requirements of Type 2 front yard per 17.11.90.D.10. wherever they are in the building (front, side, or back). See Sheet G1.13, Open Space Diagrams for details of this design element.

*6c. Supplemental Elements. In addition to meeting the required elements above, projects must provide private open space in the form of one of the options listed below.*

*1. A "Juliet-style" balcony of 12-inch dimension that allows residents to bring a sense of the outdoors into the unit. Must have doors that can open inwards or full-height sliding glass doors to allow the introduction of fresh air and sunlight. If this item is selected, units must also include operable windows to increase airflow/ability to control access to the outdoors.*

*2. An upper story roof-top deck or terrace that may include space for outdoor seating, dining, and planters for cultivation. This terrace may be stepped back on structures over two stories so as to reduce the visual impact of upper floors.*

*3. Alternative option that meets the concept and guiding principles.*

**APPLICANT RESPONSE:** As part of this application, the project is providing an option in compliance with c.3: 'an alternative option' which meets the concept and guiding principles. See Section IV for additional detail regarding the alternative option(s) proposed. See Sheet G1.13, Open Space Diagrams for details of this design element.

## **7. Alleys.**

**APPLICANT RESPONSE:** Alleyways are not required to be provided and have not been provided as part of this project. This subsection is omitted.

## **8. Landscaping**

### *8a. Characteristics.*

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1. Use landscape elements, particularly plant materials, in an organized and harmonious manner that will enhance, protect and promote the economic, ecological, and aesthetic environment of McMinnville.

2. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- a. Reduce soil erosion and the volume and rate of discharge of stormwater runoff.
- b. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
- c. Mitigate the loss of natural resources.
- d. Provide parking lot landscaping to reduce the harmful effects of heat, noise, and glare associated with motor vehicle use.
- e. Create safe, attractively landscaped areas adjacent to public streets.
- f. Require the planting of street trees along the City's rights-of-way.
- g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.
- h. Provide shade, and seasonal color.
- i. Reduce glare, noise, and heat.
- j. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- k. Unify development and enhance and define public and private places.
- l. Preserve existing mature trees.
- m. Enhance the urban forest and tree canopy.
- n. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- o. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- p. Support McMinnville as a community that cares about its appearance. It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

**APPLICANT RESPONSE:** Response to the standards below, in Required Elements reflect these characteristics in a through manner.

*8b. Required Elements.*

1. All areas of the site not occupied by the structures or paved areas shall be landscaped in an attractive and functional manner.

**APPLICANT RESPONSE:** The landscaped areas will provide seasonal and year-long appeal, readability and wayfinding for building access, definition of common and private areas, as well as human scale relatability through trees, open space proportions, etc. From a functional aspect, the common green will support resident programming and in some cases the planting can also serve as an educational touch point with the use of native and culturally significant species. In addition to the planted areas, a community garden on the east portion of the site will provide food and plant production as a way to forge relationships with the land and the community.

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2. A minimum of 20 percent of the net site shall be landscaped. Paved pedestrian paths, when integrated within the landscaped area, may satisfy up to 5 percent of this requirement. Landscaped setback areas, landscaped common open spaces, eco-roofs, vegetated stormwater facilities, preserved natural areas, and planter areas can be credited toward the minimum landscape standard.

**APPLICANT RESPONSE:** This project will exceed a minimum of 20% of the net site in common open space. Calculations are provided in conjunction with the landscaping plans provided with this application. See Sheet G1.14, Site Area Calculations.

### **9. Privacy and Screening.**

9a. *Characteristics. Low walls or fences are encouraged to provide separation between private open space and common open space, streets, or internal circulation paths. Fences should be designed to integrate with the architecture of the building and add visual interest through the use of materials, color, and detail.*

**APPLICANT RESPONSE:** The responses to the standards of the four Required Elements reflect this characteristic.

#### 9b. *Required Elements.*

1. *All fences on the interior of the development shall be no more than 3 feet high. Fences along the rear or side property lines of the development may be up to 6 feet high. Chain-link fences are prohibited.*

**APPLICANT RESPONSE:** A fence is shown on the west side property line which is not more than 6 feet high. The fence is buffered with a landscaping screen. For details on this fence, see Sheet L5.00, Planting Plan Overall.

2. *Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and common open spaces.*

3. *Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall not be located within 5 feet of a front entrance and shall be screened with sight-obscuring materials.*

**APPLICANT RESPONSE(S):** This project will have very limited mechanical locations. These locations will be screening by their location and with thoughtful use of landscaping and site layout. The garbage and recycling areas that are provided are located in a manner to be in compliance with the service provider (RECOLOGY) along with proximity to the residential spaces and access. Further information on the project's compliance with garbage and recycling areas can be found in the responses to Chapter 17.61, noted below.

4. *The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties.*

**APPLICANT RESPONSE:** For context, the balconies are significantly distanced from adjacent residential properties and, because of that distance, it would be difficult to see anything clearly and, as a result of this distance, there will be not be any sort of 'looming view' into adjacent residential properties. Additionally, the setbacks of the buildings from adjacent roads and parking areas, coupled with the proposed site plantings and fence create adequate separation between the balconies and the neighbors to the west and south. Lastly, the design of the balconies, with railings that incorporate mesh will help buffer any view that remains. See Sheet

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G1.41, Sections for information on the distances associated with these balconies to the residential property.

## **10. Front Yard.**

### **10a. Characteristics.**

1. *For all housing types the front setback—even when it is small or zero, should be designed to provide a transition from the public realm of the street to the private realm of the dwelling.*
2. *The front setback provides a vital transition between the public area of the street and the private spaces within the dwelling. The smaller the front setback is, the more important the concept of layering public to private spaces becomes. When multi-dwelling units are on the ground floor of the building and face the perimeter of the site and surrounding streets, they must meet the standards of this section.*

**APPLICANT RESPONSE:** The responses to the standards noted below as Required Elements and reflect the characteristics noted above.

### **10b. Required Elements.**

1. *Dwelling units located on the ground floor of the building and facing the perimeter of the site and surrounding streets must meet the requirements of either:*
  - a. *Front Yard Type 1: Neighborhood (please see figure below)*
  - b. *Front Yard Type 2: Urban (please see figure below)*

*(Figure Provided in Ordinance of Type 1 and Type 2)*

#### *Type 2: Urban Front Yard*

- a. *Gateway*
- b. *Front Yard, Courtyard or Doorcourt,*
- c. *Porch, Stoop or Terrace*

**APPLICANT RESPONSE:** This project is providing a Type 2 Urban Front yard: each dwelling unit at the ground floor is provided a design element of a porch, stoop, terrace or other area to indicate a change in function and to identify for residents that they have arrived home. See Sheet G1.13, Open Space Diagrams for information about these areas.

## **11. Compatibility.**

**11a. Characteristics.** *New multi-dwelling housing should be compatible with its surrounding context while introducing new shape, size, and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.*

**APPLICANT RESPONSE:** This project provides both required elements and supplemental elements which emphasize the characteristic noted in a.

### **11b. Required Elements.**

1. *On a site with multiple buildings of varying scales (or that vary from the surrounding context), provide a gradual transition between scales. For example, locate dwellings that are similar in scale and density along the street frontage and transition to lower scale and density buildings toward the rear of the site. Use rear driveways and landscaping as a buffer backing up to adjacent properties of a different scale.*

**APPLICANT RESPONSE:** In response to this criterion, there is variation of scale between buildings. This scale is varied between the residential buildings and the common building. This

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variation in scale also provides for the cupola's and their variety of heights. Overall, this has been done in a gradual transition: incorporating human scale elements with details along the ground floor like porch elements pieces that create spaces that are livable and enjoyable for residents.

*2. Arrange building volumes and setbacks in a way that reflects neighborhood patterns along street frontages and contributes to the desired character.*

**APPLICANT RESPONSE:** As described above, the surrounding sites and their buildings are mostly commercial or industrial and as such, have a very large scale. This existing neighborhood pattern may not be one that is desired to be mimicked; however, moving forward, the site design divides the project into a north and south portion with a pedestrian connection in between that aligns with the surrounding road to the east of the site. This helps to set the scale for the buildings, while also responding to the expected scale of the neighborhood while establishing a relationship with the surrounding neighborhood. This has also been accomplished with a division in the east/west axis, with a pedestrian path that connects with all the buildings through a variety of common open spaces that also helps to set the scale for the buildings. See Sheet G1.12, Site Plan.

*3. Arrange courtyard apartments so that end units reflect a neighborhood context of detached units along the street frontage.*

**APPLICANT RESPONSE:** The project is not courtyard apartment by the definition of 17.11.090. This criterion is not applicable.

*4. Step down taller buildings next to smaller buildings to enable buildings of larger-scale but similar proportions to blend in with surroundings.*

**APPLICANT RESPONSE:** In response to this criterion, there is variation of scale between buildings. This scale is varied between the residential buildings and the common building. This variation in scale also provides for the cupola's and their variety of heights. Overall, this has been done in a gradual transition: incorporating human scale elements with details along the ground floor like porch elements pieces that create spaces that are livable and enjoyable for residents.

*5. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.*

**APPLICANT RESPONSE:** For this project, the only applicable street frontage is SE Stratus Lane. There are two residential buildings located along this frontage. As noted previously, the site's overall layout is to create as much community space within the center of the project and this has been accomplished by providing well over the required amount of landscaping and common open space to the project. However, on balance, the buildings are located with a substantial setback from SE Stratus—this minimizes the need to create a visual impact of the upper floors from the street edge, as the street edge is substantially distanced away from the building. On balance, the project has provided a large landscaped buffer area along this street frontage which reduces the visual impact of the parking area. A request for a modification to this standard is requested in Section IV of this application. See Sheet G1.31, Elevations and G1.32 Overall Elevations for details on the proposal.

*11c. Supplemental Elements. In addition to meeting the required elements above, projects must respond to the compatibility requirement in the form of three of the options listed below.*

*1. Use roof forms and bays to break up the overall mass of larger residential structures.*

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2. Walls incorporate vertical wall offsets, projections, or recesses to reduce building façades into smaller volumes and define visually distinct living unit modules.
3. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.
4. Mark a distinct physical transition between the base and upper floors of a building through a change in brick pattern, change in materials and/or wall surface pattern, articulation of a floor line, or change in window types.
5. Use horizontal elements the entire width of the front façade to mark a break between floors or along the roofline including band course, band molding, bellyband, or belt course.
6. Use a variation in roof forms on all four elevations of a structure to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gale, or dormer end brackets, corbels, or decorative wood timbers.
7. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
8. Step down taller buildings next to smaller buildings to enable buildings of larger-scale but similar proportions to blend in with surroundings.

**APPLICANT RESPONSE:** In response to this requirement for supplemental elements, the project has chosen 3 criteria which are as follows:

- Roof Forms (Criterion #1) and (Criterion #6). The roof forms provided work to break up the masses of the residential buildings;
- Walls incorporate vertical wall offsets/reduce building facades (Criterion #2). All of the walls of the project provide variation in order to reduce façade massing along all of the frontages;

See Sheets G1.31, Elevations and G1.32, Overall Elevations as provided with this application.

## **12. Wall and Roof Design.**

### *12a. Characteristics.*

1. For buildings that front the street, avoid long, monotonous, uninterrupted walls. Modulate buildings walls and roofs to prevent large, uninterrupted walls and building mass.
2. Differentiate between the base of the building and the top of the building to enhance the pedestrian realm. Make base treatment cohesive across façades and integrate with the architectural character of the building.
3. Multi-dwelling development must address the following design objectives:
  - a. Articulation – All street-facing buildings shall incorporate design elements that break up façades into smaller planes.
  - b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
  - c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
  - d. Detailed Design – All street-facing buildings shall include several features.

**APPLICANT RESPONSE:** This project provides both required elements and supplemental elements which emphasize the characteristic noted in a. characteristics, above along the facades of the buildings which front the street.

### *12b. Required Elements.*

#### *1. Articulation.*

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a. For multi-dwelling buildings with 30 to 60 feet of street frontage, a minimum of one of the following elements shall be provided along the street-facing façades.

b. For buildings with over 60 feet of street frontage, at least one element below shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.

1. A porch at least 5 feet deep.
2. A balcony that is at least 2 feet deep and is accessible from an interior room.
3. A bay window that extends at least 2 feet.
4. A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
5. A gabled dormer.

c. Buildings under 30 feet in length are exempt from these requirements.

**APPLICANT RESPONSE:** This criteria is applicable as the site contains 334 feet of street frontage along SE Stratus. To comply with meeting the standard requiring two design elements, the project's design has provided the following:

For Buildings #1, #2, and #5 which front SE Stratus, each entryway contains a porch element that is at least 5 feet in depth. Additionally, for Buildings #1, #2 and #5, sections of the facades contain recesses of at least 2 feet. These design elements are distributed across multiple buildings and multiple building types (residential and common buildings) which are spaced across the lengthy street frontage. This variety, along with the design element's repetition, meets the criteria of this standard regarding diversity along with repetition.

See Sheets G1.31, Elevations and G1.32, Overall Elevations as provided with this application.

## 2. Eyes on The Street.

a. At least 15 percent of the area of each street-facing façade must be windows or entrance doors. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

b. Window area is considered the entire area within the outer window frame, including any interior window grid.

c. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

**APPLICANT RESPONSE:** This is applicable as the site contains 334 feet of street frontage along SE Stratus. To provide for ground floor activity and interest, there are multiple areas of activity which create additional 'eyes on the street' on the ground level.

- Common building. The common building (Building #5) provides for activity at the ground floor in the form of office space and resident services;
- Residential buildings. Building #1 and #2 also provide for activity and glass/window area in the form of ground floor entries, porches and doorways.

See Sheets G1.31, Elevations and G1.32, Overall Elevations as provided with this application.

These design components are provided along the site's frontage along on a very large, lengthy, transitional site. The project's overall layout responds to requirements to create an internal

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community, while not turning its back on a busy street along SE Stratus and the even busier Three Mile Lane/Highway 18.

The design components provided meet the requirement of 15% for the street-facing façade.

See G1.31, Elevations and G1.32, Overall Elevations as provided with this application.

### 3. Main Entrances.

*Main entrances must meet both of the following standards.*

- a. Be no further than 8 feet behind the longest street-facing wall of the building.*
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.*

- 1. Be at least 25 square feet in area with a minimum 4 feet depth.*
- 2. Have at least one porch entry facing the street.*
- 3. Have a roof that is no more than 12 feet above the floor of the porch.*
- 4. Have a roof that covers at least 30 percent of the porch area.*

**APPLICANT RESPONSE:** This is applicable as the site contains 334 feet of street frontage along SE Stratus. SE Stratus is a busy street and is visually connected to the even busier Three Mile Lane/Highway 18. The provision of a main entrance requirement is to provide additional activity along public street frontages, while ensuring that the overall project maintains activity along street frontages. In this situation, architectural activity along SE Stratus has to be balanced with the provision of auto parking, overall site safety and establishing internal areas which lend themselves to community. For this project, each building contains individual main entrances along the ground floor.

As a result, a modification request has been included with this application in the form of a request in conjunction with the Planned Development Application. A full response to the criteria associated with this request is included in Section IV of this application.

### 4. Detailed Design.

- a. For multi-dwelling buildings with up to 30 feet or more of street frontage, a minimum of two of the elements shall be provided along the street-facing façade or façades.*

- b. For buildings with over 30 feet of street frontage, at least one element shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.*

- 1. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.*
- 2. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.*
- 3. Offset on the building face of at least 16 inches from one exterior wall surface to the other.*
- 4. Dormer that is at least 4 feet wide and integrated into the roof form.*
- 5. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.*
- 6. Roofline offsets of at least 2 feet from the top surface of one roof to the top surface of the other.*

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7. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
8. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.
9. Gable roof, hip roof, or gambrel roof design.
10. Window trim around all windows at least 3 inches wide and 5/8 inches deep.
11. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
12. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
13. Bay window at least 2 feet deep and 5 feet long.
14. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line- oriented within 30 degrees of the true north/ south axis.

**APPLICANT RESPONSE:** This is applicable as the site contains 334 feet of street frontage along SE Stratus. In response, elements 1, 3, 5 and 7 have been provided as part of this project. Each of these elements have been spaced across each of the applicable elevations so as to be cohesive across multiple buildings. These different features respond to the larger scale than is expected with a single building. For example, element 5 is provided in the main roof of the building but not the cupolas. Element 7 is provided on partial portions of the elevation at Building #1 and #2. Architectural elements are spaced based on the building spacing. Detailed information has been provided on each elevation for each building as part of the series of Building Elevations provided with this application plan set.

**FINDING (Section 17.11.090, Residential Design and Development Standards: Apartments): SATISFIED WITH CONDITIONS.** The applicant's plans and narrative address the standards for apartments/multi-dwelling development, except the applicant has requested flexibility to certain standards for certain parts of the development. Consistency with these standards is contingent on approval of the master plan, incorporating and authorizing the flexibility requested with the Planned Development Amendment.

#### ***17.11.100 Universal Design Standards.***

**APPLICANT RESPONSE:** The proposed housing type, Apartment Blocks, are not required to respond to this criteria. This subsection is omitted.

*NOTE: ADA as per federal standards is still applicable and will be addressed per Building Permit.*

**FINDING (Section 17.11.100. Residential Design and Development Standards: Residential Universal Design Standards). NOT APPLICABLE.** This section doesn't apply to apartments.

#### ***17.11.110 Planned Development Residential Design and Development Standards.***

*Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. McMinnville encourages residential planned developments as a means of achieving the City's adopted Great Neighborhood Principles.*

#### ***A. Guiding Principles.***

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*A1. Appropriate site size and scale. Small to medium sites (10,000 square feet to 40,000 square feet) should act as infill sites and respond to the surrounding neighborhood in scale, character, building design, details and materials. Large sites (over 40,000 square feet) should provide a variety of housing types, centralized common open space, and an interconnected system of streets and pathways that connect to the surrounding neighborhood.*

**APPLICANT RESPONSE:** The site is over 40,000 square feet and provides a variety of apartment homes, at 1,2 and 3 bedroom formats. It also provides multiple, centralized common open space areas with a connected system of pathways and access points which connect to the surrounding neighborhood. See Sheet G1.12, Site Plan.

*A2. Livability. Residential Planned Developments should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.*

**APPLICANT RESPONSE:** This development creates a livable neighborhood on a transitional site: it does this by creating a modest scale, with multiple buildings. These buildings are situated across a site layout which focuses on the large central open spaces provided for residents. Pedestrians and cyclists are connected to the greater neighborhood at a variety of points and vehicle impacts are minimized, by limiting them to the edges of the site. See Sheet G1.12, Site Plan.

*A3. Compatibility. Residential Developments should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of McMinnville.*

**APPLICANT RESPONSE:** As shown on the G1.31, Elevations Plan, the scale of the proposed project is compatible with the surrounding buildings.

*A4. Safety and Functionality. Developments should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.*

**APPLICANT RESPONSE:** Access and circulation through the site will be available via three auto access points: one on SE Stratus and then three from the private access drive. The project will manage site circulation by the residents in the following manner: they will provide signage on-site which will lead residents to use the private access drive closest to SE Stratus. The circulation patterns for trash and recycling as well as fire access are noted on Sheet G1.12, Site Plan and reflect the requirements for access widths for safety and maneuverability.

*A5. Enduring quality. Residential Planned Developments should incorporate design and building practices that promote the economic, ecological, and aesthetic environment of McMinnville, such as energy conservation, preservation of trees and open space, and quality building materials.*

**APPLICANT RESPONSE:** This planned development meets the criteria for enduring quality based on the following: the project will be energy efficient, based on the project targeting Earth Advantage certification. The provision of landscaping, in a variety of formats, including trees and native plantings in excess of the City's requirement of 25% will also provide a sense of quality and permeance to the neighborhood. Additionally, the building materials which are chosen to be long lasting and which resonate with the agrarian aesthetic will also provide enduring quality to the project. Detailed information for the building materials has been provided on each elevation

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for each building as part of the series of Building Elevations provided with this application plan set.

*B. Required Elements, Great Neighborhood Principles. All residential planned developments shall meet the Great Neighborhood Principles as identified below.*

- B1. Natural Feature Preservation.*
- B2. Scenic Views.*
- B3. Parks and Open Spaces.*
- B4. Pedestrian Friendly.*
- B5. Bike Friendly.*
- B6. Connected Streets.*
- B7. Accessibility.*
- B8. Human Scale Design.*
- B9. Mix of Activities.*
- B10. Urban-Rural Interface.*
- B11. Housing for Diverse Incomes and Generations.*
- B12. Housing Variety.*
- B13. Unique and Integrated Design Elements.*

**APPLICANT RESPONSE:** See response to the standards for the Great Neighborhood Principles in Section II of this application.

*C. Required Elements, Common Open Space. All Residential Planned Developments over four units shall meet the fundamental and supplemental requirements for Common Open Space.*

*C1. Characteristics.*

- a. Common open spaces offer residents social and health benefits while also defining and bringing character to a development.*
- b. Common open spaces may include shared recreational facilities such as play areas, sports fields or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating.*

*C2. Guiding Principles.*

- a. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space.*
- b. The design should take into account its relationship to units, entries, and windows, as well as how landscaping or other barriers may impact sight corridors.*
- c. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function.*
- d. Avoid large, hard-surfaced or landscaped areas that lack furnishings or other design elements suggesting specific activities.*
- e. Break down large spaces into smaller, comfortable outdoor rooms through the use of fencing or low walls, furnishings and lighting, building placement, and plantings.*
- f. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas.*

**APPLICANT RESPONSE:** The responses noted below for meeting the Fundamental Requirements reflect these Characteristics and Guiding Principles.

*C3. Fundamental Requirements.*

- a. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents in the planned development. These*

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*functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.*

**APPLICANT RESPONSE:** There are two common spaces proposed in the development. On the north side, between Buildings #1, #2 and the Common building, an open green will provide a focal point for community activities, both active and passive, events and open play, and accessible to all. The north edge of the open green engages with the porch area of the common building to act as a potential stage; the south edge includes two zones for nature play, with paths that connect with the rest of the development.

For Buildings #3 and #4, a meandering path with a meadow inspired landscape will provide a place for strolling, sitting and contemplation. The character of the landscape will create ties to the regional landscape and strengthen a sense of place.

Residential units will have plenty of visibility towards these spaces, and in some instances building access/entry doors as well.

Information on the areas provided for common open space can be found on Sheet G1.12, Site Plan and detailed information on the materials and furnishings of each of the associated common open space areas can be found on Sheet L1.00, Materials Plan.

*b. Common open space shall be a minimum of 15 percent of the planned development. Passive open space shall not be more than 5 percent of the planned development.*

**APPLICANT RESPONSE:** This project exceeds the requirements for Common Open Space across the project. Quantities and calculations of open space areas are noted on Sheet G1.14, Site Area Calculations.

*c. When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety.*

**APPLICANT RESPONSE:** Thoughtful consideration has been put into the layout and circulation of the site, with no vehicular areas are located between dwellings and common open space.

*d. Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.*

**APPLICANT RESPONSE:** All vehicular areas are paved with asphalt, while pedestrian circulation is paved with concrete; at crossings and transitions between pedestrian and vehicular circulation, the pedestrian corridors create a raised table in addition to tactile warning for added awareness. See Sheet L1.00, Materials Plan for details on the hardscaping elements.

*e. Common open space shall have a minimum dimension of 20 feet at the narrowest part.*

**APPLICANT RESPONSE:** All Common Open Space areas contain a minimum dimension of 20 feet. Quantities and calculations of open space areas are noted on Sheet G1.14, Site Area Calculations.

*f. Walkways are required between dwellings and common open space.*

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**APPLICANT RESPONSE:** Walkways are provided around the common green, nature play and community gardens. These connect to the site circulation system to provide access between buildings, parking and other areas. Of note, is that the Meadow (area) has a meandering path across the space, with only visual connections from the units and private patios to provide privacy and separation between common and private space. See Sheet L1.00, Materials Plan for details on the hardscaping elements.

*C4. Supplemental Requirements. Provide at least four of the options listed below.*

To comply with this supplemental requirement, four of the options below have been incorporated into the design. This includes recreational areas, tree canopy, site amenities for seating and weather protection and a community garden. Details are noted as follows:

*a. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.*

**APPLICANT RESPONSE:** There are multiple recreational activity locations on site. These include provisions for common open space, open spaces in conjunction with the Community Building and areas identified as the Meadow and Community Gardens. See Sheet L1.00, Materials Plan for details on the various site furnishings which will be used to program the common open space areas.

*b. Provide tall deciduous trees for summer shade and winter solar access. When possible preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*

**APPLICANT RESPONSE:** A variety of trees have been provided across the site. They have been chosen for their appropriateness and to contribute to the shading and solar access at either summer or winter seasons. No existing trees are currently on-site. See Sheet L5.00, Planting Plan Overall for tree species details at all site locations.

*c. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*

**APPLICANT RESPONSE:** The project will include a variety of seating options, appropriate lighting and weather protection/shade. See Sheet L1.00, Materials Plan for details on the various site furnishings which will be used to program the common open space areas.

*d. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*

**APPLICANT RESPONSE:** Irrigation has been provided in the form of an automatic irrigation system. See Sheet L4.00, Design-Build Irrigation for information about the proposed system.

*e. Provide opportunities for food cultivation. Include a community garden and/or incorporate cultivated species into the landscaping.*

**APPLICANT RESPONSE:** As described, a community garden has been proposed. The location of the plots is based on maximizing sun exposure, ease of access and visibility as a site amenity that celebrates community. Additional seating and storage areas are also proposed to enhance

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the functionality and enjoyment of the garden. See Sheet L1.00, Materials Plan for details on the various site furnishings provided in conjunction with the community garden.

*D. Supplemental Elements, Consideration.*

*D1. Modular Block Layouts.*

*a. An intermix of housing types is possible if blocks are platted with a lot width module that can be aggregated. If lots are increments of 25 to 30 feet wide and can be aggregated into lots that are 50 or 60 feet wide (or 75 or 90 feet wide), a wide variety of dwelling types can occupy the same block.*

*1. For example, narrow lot dwellings such as townhouses or tiny houses on 25 foot lots may sit next to larger lot dwellings such as courtyard apartments or cottage clusters on a 50- or 75-foot lot.*

*b. In a new planned development, the greatest flexibility for lot variety is provided by having an alley serve as parking and driveway to each lot (see Figure "Block with Alley").*

*c. When parking is accessed via a driveway from the front of the lot, the lot width is governed by frontage requirements of Universal Design Standards – Street Frontage, and the minimum lot width will be 40 feet (see Figure "Block without Alley").*

**APPLICANT RESPONSE:** These are supplemental elements for consideration and are not requirements. As described, the site's area is existing.

*D2. Block Lengths*

...

*D3. Partial Alley at End of Block*

...

*D4. Usable Side Yard Setback.*

...

**FINDING (Residential Design and Development Standards. Section 17.11.110. Planned Development Residential Design and Development Standards): SATISFIED WITH CONDITIONS.**

- As specified in Section 17.11.011, the standards in this chapter are applicable to new housing construction.
- The application is subject to the provisions of Section 17.11.090, Apartments.
- As specified in Section 17.11.100, the Universal Design Standards in that section are not applicable to apartments.
- Because the property is subject to a Planned Development Ordinance, the provisions of Section 17.11.110, Planned Development Residential Design and Development Standards, apply. Some are optional.

The applicant has provided a narrative with responses addressing each of the standards, in addition, the plans and elevations submitted by the applicant provide the information needed to determine compliance with the applicable provisions of Chapter 17.11. As part of the Planned Development Amendment, the applicant has also requested flexibility regarding certain multi-dwelling standards in Chapter 17.11, which are addressed under the provisions for Section 17.51 of this decision document.

**Chapter 17.33. C-3 Zone.**

**APPLICANT RESPONSE:** This site's base zoning is C-3, General Commercial, however, the Planned Development Ordinance #5095 provides the de-facto zoning for the site.

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**FINDING (Chapter 17.33): SATISFIED.** The property is subject to the provisions of the C-3 zone, as modified by the provisions of the Planned Development Overlay Ordinance 5095. Apartments are a permitted use in the C-3 zone, subject to the provisions of the R-4 zone. Some of those provisions are governed by the provisions of Planned Development Overlay Ordinance 5095, which contains some provisions which are more restrictive than those of the C-3 and R-4 zones. The R-4 zone specifies that density maximum may not apply to permitted housing types other than single attached dwellings. In addition, some of the multi-dwelling standards in 17.11.090, including some standards for a lot over 14,000 square feet in size, supersede some provisions of the R-4 zone.

**Chapter 17.52. Airport Overlay Zone**

...

17.52.030 *General Restrictions. No use in the Airport Overlay Zone shall:*

- A. *Create electrical interference with navigational signals or radio communication between the airport and aircraft; or*
- B. *Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.*

...

17.52.060 *Horizontal Zone Restrictions. The following uses are prohibited in the Horizontal Zone: Any structure which exceeds a height greater than 309 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills.*

...

**FINDING (Chapter 17.52): SATISFIED WITH CONDITIONS.** The subject property is within the Airport Overlay Zone, which is comprised of several sub-areas. The subject property is within the Horizontal Zone. 17.52.030, General Restrictions, and 17.52.060, Horizontal Zone Restrictions, apply to the subject property.

The general restrictions of the Airport Overlay Zone will continue to be applicable to the property and the operation of the use since it is located within the Airport Overlay Zone. There is nothing related to the residential use or development that is expected to create electrical interference or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

The proposed structures will not exceed a height greater than 309 feet above mean sea level (MSL). The published airport elevation is 163 above MSL, so a building exceeding 309 feet above MSL would be approximately 146 feet tall.

**Chapter 17.54. General Provisions**

**FINDING (Chapter 17.54): SATISFIED WITH CONDITIONS.** This Chapter includes various provisions, including those regarding exceptions to building height, fences (recodified as MMC 8.10.210), yards, and clear vision areas. Fences within interior side and rear yards are limited to seven feet in height. Clear vision areas are to be maintained at driveway approaches and street intersections. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.

1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
2. Telephone, power, and cable television pole, electrical junction boxes.
3. Government issued traffic safety signs.
4. Telephone switch boxes provided they are less than 10 inches wide at the widest dimension.

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**Chapter 17.57. Landscaping**

**FINDING (Chapter 17.57):** *The findings regarding the applicable provisions of this chapter are addressed in the findings for the landscape plan review in this decision document.*

**Chapter 17.58. Trees**

...  
**17.58.080 Street Tree Planting - When Required.** *All new multi-dwelling development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.*

**17.58.100 Street Tree Plans.**

A. Submittal.

...  
2. *Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.*

**17.58.110 Street Tree Planting.**

...  
B. *Commercial, Industrial, Multi-dwelling, Parking Lot Development.*

1. *Planting Schedule: Street trees required of a commercial, industrial, multi-dwelling, or parking lot development shall be installed at the time all other required landscaping is installed.*

**FINDING (Chapter 17.58):** *The findings regarding the applicable provisions of this chapter are addressed in the findings for the landscape plan review in this decision document.*

**Chapter 17.60. Off-Street Parking and Loading**

Section 17.60.060.A. *Spaces, Number required.*

*Residential land use categories*

3. *One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.*

8. *Affordable Housing – Two - bedroom or less, serving households of 80% Area Median Income (AMI) or less (AMI is calculated per Yamhill County as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.) Income levels will need to be certified.*

*0.5 spaces per dwelling unit for units 2 bedroom or less.*

17. *Professional office (non-medical or dental): 1 per 300 square feet.*

**APPLICANT RESPONSE:** The mix of units includes 1, 2 and 3 bedroom units and secondary office space. The parking calculation references affordable housing for the 2-bedroom or less units and the multifamily requirement for the three-bedroom units and office for the areas devoted to staff.

145 units \* 0.5 = 72.5 spaces (rounding up)

30 units \* 2 = 60 spaces

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## 8 spaces for Office/Common Building

Based on these requirements, the total number of required spaces is 141 spaces. However, this project has been able to provide a total of 211 parking and loading spaces, plus an additional 41 parking spaces that are shared in an easement benefitting the adjacent land owner (medical office) per a private agreement, for a site total of 252 spaces. See Sheet G1.12, Site Plan for locations and further details on quantities.

### *17.60.070 Off-street loading requirements.*

*A. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off- street loading berths in sufficient number and size to adequately handle the needs of the particular use.*

*B. The following standards shall be used in establishing the minimum number of berths required:*

#### *Gross Floor area of the Building in Square Feet*

*5,000 to 10,000: 1 Berth*

*10,000 and over: 2 Berths*

**APPLICANT RESPONSE:** Five loading spaces have been provided for the project. See Sheet G1.12, Site Plan for locations.

### *17.60.080 Design requirements.*

*A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.*

**APPLICANT RESPONSE:** All parking areas are hard surfaced as required above.

*B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.*

**APPLICANT RESPONSE:** An off-street parking area has been noted between the buildings and SE Stratus. The parking area is not less than 20 feet in depth from the property line. This dimension is referenced on Sheet G1.12, Site Plan.

*C. Safe access shall be provided as follows:*

- 1. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.*
- 2. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*
- 3. Driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site.*
- 4. Clear vision areas shall be provided at driveway exits for all uses except single-detached dwellings and plexes, shall have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade. Except for existing permanent buildings and structures (other*

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than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption.

5. Driveway cuts shall be a minimum of twenty feet from a street intersection.

D. Parking areas shall be made compatible with surrounding uses as follows:

1. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.

2. When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.

3. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

E. Space size minimum shall be as follows:

1. Handicap parking spaces shall be a minimum of twelve feet wide and 19 feet in length.

2. Compact and subcompact parking spaces shall be a minimum of eight feet by sixteen feet.

3. Standard parking spaces shall be a minimum of eight feet six inches by nineteen feet.

F. The type of space shall be set as follows:

1. Handicap spaces shall be required and designated as per current federal, state, and local regulations.

2. Standard spaces shall comprise not less than sixty-five percent of all newly constructed lot spaces.

**APPLICANT RESPONSE:** The parking area spaces and drive aisles meets the dimensions of the Parking Maneuvering Room Table.

17.60.125 Shared access: Shared access.

*When it is in the public interest, a shared driveway and circulation subject to a shared access easement and agreement may be authorized by the Planning Director when it would achieve one or more objectives of the Comprehensive Plan or this ordinance, such as reducing access points onto access-managed streets or reducing the amount of land required for access to parking spaces. Except where otherwise provided in this ordinance, a shared driveway to access parking spaces shall not replace the requirements for street frontage or other provisions of this code. The Planning Director may require that a shared driveway be located on the common property line between properties in certain circumstances, such as a situation where access is shared, but parking is not.*

**APPLICANT RESPONSE:** As part of the previous (and existing) private agreements for this site, a shared access/parking/maintenance agreement and easements with the adjacent property owner exists. Documentation associated with these agreements is included in this application.

Access and circulation through the site will be available via three auto access points: one on SE Stratus and then three from the private access drive. The project will manage site circulation by the residents in the following manner: they will provide signage on-site which will lead residents to use the private access drive closest to SE Stratus. The circulation patterns for trash and recycling as well as fire access are noted on the Site Plan and reflect their requirements for access widths for safety and maneuverability. See Sheet G1.12, Site Plan for notations regarding site circulation and access.

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**17.60.140 Bicycle parking.****A. Bicycle parking facilities shall be required as follows:**

1. In any commercial (C-1, C-2, and C-3) or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations
3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.

**APPLICANT RESPONSE:** This project is not required to provide bicycle parking; however, as detailed on Sheet L1.00, Materials Plan, the project is providing dispersed ribbon racks throughout the site in order to provide convenient locations for bicycle parking associated with residents, visitors and staff.

**FINDING (Chapter 17.60. Off-Street Parking and Loading): SATISFIED WITH CONDITIONS.** The plans submitted by the applicant, together with the above responses, demonstrate compliance with the off-street parking and loading standards of Chapter 17.60.

**Chapter 17.61. Solid Waste and Recycling Enclosure Plan****17.61.030 Guidelines and Standards (Trash Enclosure)****17.61.030 Guidelines and Standards.**

**A.** The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.

**APPLICANT RESPONSE:** See Sheet 4-A511, Enlarged Plans, Trash Enclosure for details on the size and dimensions of the enclosure. The location of the site's enclosure can be found on the Sheet G1.12, Site Plan along with the provisions for access to this area.

**B.** Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.

**APPLICANT RESPONSE:** The solid waste and recycling location is not located on the front or exterior yard. The location is near the parking area on the east side of the site. This portion of the site is not adjacent to any residential uses, and is surrounded by parking and utilitarian functions.

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*C. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.*

**APPLICANT RESPONSE:** The solid waste and recycling location is not located in an area where it is visible from street frontage.

*D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director.*

**APPLICANT RESPONSE:** The solid waste and recycling enclosure is located on the opposite side of the site from the residentially-zoned adjacent property.

*E. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.*

**APPLICANT RESPONSE:** See Sheet 4-A511, Enlarged Plans, Trash Enclosure for details on the size and dimensions of the enclosure.

*F. Gates that screen the containers are required and must remain closed at all times except at times of service.*

**APPLICANT RESPONSE:** Gates have been provided and are shown on the details for the trash enclosure. See Sheet 4-A511, Enlarged Plans, Trash Enclosure for details on the size and dimensions of the enclosure. Their closure is understood by the Applicant.

*G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.*

**APPLICANT RESPONSE:** This is understood by the Applicant. A separate signage application will be provided to the City.

*H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.*

**APPLICANT RESPONSE:** The location of the site's enclosure can be found on the Sheet G1.12, Site Plan along with the provisions for access to this area including the standards associated with the Fire Code.

**FINDING (CHAPTER 17.61. SOLID WASTE AND RECYCLING ENCLOSURE PLAN): SATISFIED WITH CONDITIONS.** As provided in Section 17.61.020, this chapter applies to new multi-dwelling developments of three or more dwelling units. The plans and applicant's responses demonstrate compliance with these standards. The referenced drawing indicates the trash enclosure will be masonry with solid gates.

### **Chapter 17.62. Signs**

**APPLICANT RESPONSE:** An application for signage associated with this project will be provided separately from this application.

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**FINDING (Chapter 17.62. Signs): SATISFIED WITH CONDITIONS.** As a condition of approval, the applicant shall separately submit an application for a sign permit. The application will be reviewed for consistency with the applicable sign regulations of this Chapter and the specific provisions of Planned Development Overlay Ordinance 5095 which applies to the properties encompassed in the original Planned Development Overlay area and which addresses total signage for these properties together. The sign permit application will also be reviewed for consistency with the provisions of Zone 3 of the Three Mile Lane Planned Development Overlay Ordinance, which is also referenced in Ordinance 5095.

### **Chapter 17.51 Planned Development Overlay**

#### **17.51.010. Purpose.**

*The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.*

*In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in 17.03.020 of {the Zoning Ordinance}...*

#### *17.03.020. Purpose.*

*The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.*

*A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the planning commission. For purposes of implementing these objectives, two means are available:*

*A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with MMC 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

**APPLICANT RESPONSE:** This application is a refinement to an existing Planned Development, Ordinance #5095. As shown in Section II. A, this application is in substantial conformance with the conditions of approval adopted with this Ordinance and therefore, is accomplishing 'substantially the same general objectives'. In the instances where these vary from what was conditioned previously, this application shows compliance with the Comprehensive Plan and zoning ordinance.

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*B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The planning director shall note such properties and direct that no building permit be issued in respect thereto.)*

*1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the council or the planning commission shall address itself to the purposes set forth herein.*

*2. The council and planning commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;*

*C. The council and planning commission, with the assistance of the planning director, shall ensure that no planned development overlay granted under subsection A or B of this section which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

**APPLICANT RESPONSE:** This application is not a guise to circumvent sections of the Code. As is described in Section II, this application meets or exceeds the majority of the standards associated with multifamily development including Landscaping, Common Open Space and Off-street Parking. The requests associated with the requested modifications reflect either site-specific conditions that were present prior to this development (existing parking area/landscaping buffer requirement); an interest in better meeting design principles for the area as described in the Three Mile Lane Plan (Building Height request and Compatibility, Wall and Roof) or in the case of the Private Open Space request, an option which provides an “Alternative option that meets the concept and guiding principles” (17.11.090.D.6.c.3).

*D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 MMC (Applications and Review Process). (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

**APPLICANT RESPONSE:** This process was amended per Ordinance #5095, Condition #22, noted below. As such, the Applicant understands that this application will be reviewed by staff and the final decision will be made by the Planning Commission.

Condition #22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment. but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

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*E. A planned development overlay proposed by the council, the planning commission, or the property owner under subsection B of this section shall be subject to all of the hearing requirements again at such time as the final plans under MMC 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

**APPLICANT RESPONSE:** This application is being reviewed per Ordinance #5095, Condition #22 as noted above.

*F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the council or planning commission.*

**APPLICANT RESPONSE:** This Planned Development Overlay Amendment has not been initiated by the City Council or Planning Commission.

**17.51.020 Standards and requirements.** *The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:*

*A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than 25 percent of the lot area of the principal use;*

**APPLICANT RESPONSE:** Condition #7 of Ordinance #5095: Allowed uses include multiple-family dwellings and office use as allowed per this Condition. Therefore, the principal use of land is in conformance with this requirement. See Condition #7, noted below.

*7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, multiple-family dwellings, community buildings appurtenant to residential uses, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, multiple-family dwellings, or community buildings appurtenant to residential uses may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.*

*If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.*

*B. Density for residential planned development shall be determined by the underlying zone designations.*

**APPLICANT RESPONSE:** For this site, the allowable residential density of the C-3 zone is noted as a standard for the R-4 zone, specifically, in 17.21.060, Density requirements:

17.21.060 Density requirements.

In an R-4 zone, the maximum density for single attached dwelling may not exceed four dwelling

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units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units.

Based on this applicable standard of the R-4 zone, four dwelling units per every 5,000 square feet would equate to 243 units based on the site size of 304,920 square feet. The proposed density for the project is 175 units and is, therefore, within the allowable density for the site.

**[Staff Note:** *Density maximum may not apply to permitted housing types of the than single-attached housing (townhouses), so maximum density doesn't apply to multi-dwelling development].*

**17.51.030 Procedure.** *The following procedures shall be observed when a planned development proposal is submitted for consideration:*

*A. An applicant shall submit 21 copies of a preliminary development plan to the commission for study at least 30 days prior to the commission meeting at which it is to be considered. The preliminary plan shall include the following information:*

- 1. Proposed land uses, building locations and housing unit densities.*
- 2. Proposed circulation pattern indicating the status of street ownership.*
- 3. Proposed open space uses.*
- 4. Proposed grading and drainage pattern.*
- 5. Proposed method of water supply and sewage disposal.*
- 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.*
- 7. Relation of the proposed development to the surrounding area and the comprehensive plan;*

**APPLICANT RESPONSE:** This application package includes a Plan Set and supplemental materials which include the required information noted in items A.1-7 above.

*B. Prior to discussion of the plan at a commission meeting, copies shall be submitted by the planning director to city departments for study and comment;*

**APPLICANT RESPONSE:** This is understood by the Applicant.

*C. The commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the commission shall need to determine that:*

*C1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT RESPONSE:** The majority of this Plan Amendment is in full compliance with the variety of policies and code standards applicable to this site.

However, as the project has been further refined from what was initiated with the adoption of Ordinance #5095, there are special objectives of development which warrant the following requested departures from the standard regulations.

These objectives of development include the incorporation of the newly adopted Three Mile Lane Plan and the Residential Design and Development Standards in Chapter 17.11. As a result of the application of both the Three Mile Lane Plan and the Standards in Chapter 17.11, the following modifications have been proposed which maintain the project's compatibility in

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light of each of the associated policies and standards as outlined in Section II of this application.

The requests are as follows:

- 17.11.090.D.4.f.3 Parking Lot Location
- 17.11.090.D.6.b.1 and b.2 Private Open Space
- 17.11.090.D.11.b.5 Compatibility, Step back
- 17.11.090.D.12.B.3. Wall and Roof Design, Main Entrance

### **Parking Lot Location**

#### **17.11.090.D.4.f.3**

This request is to provide off-street parking within 10 feet of a property line (internal property line) as a modification to Section 17.11.090.D.4.f.3 Parking lot location, at a portion of the eastern property line.

*4.f.3 Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

This parking area is a non-conforming situation which predates the current zoning code. There is no alleyway here, although the length of the private access drive serves access to a larger parking area. In this situation, the parking area is directly adjacent to another existing parking area on the opposite side of the property line.

There is an existing access/parking/maintenance agreement and easement between the two properties, to the benefit of the adjacent property owner. This is a special condition which warrants additional flexibility.

To mitigate for any visual hardship associated with a larger than average section of off-street parking, landscaping has been provided both within the existing parking area and along the eastern property line. In addition, the area of auto parking has been mitigated by the development of a community garden at that side of the property as well. The provision of additional landscaping within the parking area, and within the overall project area is a public benefit, as landscaping provides benefits to the micro-climate within parking areas, encouraging shade, reduces heat-island effects and provides opportunities for stormwater management.

Although the location of the off-street parking in this location, does not meet the letter of the code, the situation which it is trying to protect (buffering an adjacent property from off-street parking) is not present in this situation. In this situation, there is an existing parking area on the opposite side of the property line. Therefore, the conditions for a buffered area don't exist because there is parking area directly adjacent to parking area.

### **Private Open Space**

#### **17.11.090.D.6.b.1 and b.2 Private Open Space**

This request is to provide both private and semi-private open space for every residential unit. For detailed information about the provision of private open space, see Sheet G1.13, Open Space Diagram. The requirement is noted below:

#### *b. Required Elements.*

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1. All units shall have a minimum of 36 square feet of private open space that allows for personalization and private use of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase airflow and provide the ability to control access to the outdoors.

2. At least 50 percent of upper units shall have a balcony that is accessible from the interior of the unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.

For this project, all of the ground floor units, a total of 55 units of varying sizes (1, 2 and 3 bedroom) will have private, covered patio spaces. These patios at the ground floor are six feet deep and 10 feet wide, for a total of 60 square feet—this is 66% more than the requirement of 36 square feet. Additionally, the requirement does not specify whether or not the balconies are to be covered, which, increases their useability and functionality. The standard is being exceeded for the ground floor units.

For the upper floors, the project design is providing semi-private open space for all 120 upper-story units. The dimensions of these semi-private, covered, spaces will be about 80 square feet and result in a space that is useable and functional. This option will enable all of the upper floor units to have direct access to a balcony at the same level, rather than only half the units as noted by the requirement in b.2.

This request, for 100% of the upper units, is in conjunction with the supplemental element of this requirement, this project is pursuing option c.3, Alternative option that meets the concept and guiding principles.

In a review of the request, it is important to look to the characteristics of Private Open Space as follows:

*Characteristics.*

1. Every dwelling needs private open space for relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.

For this project, the unit count is a variety of 1,2 and 3 bedroom units. As the characteristics note, 'private open space may take many forms based on the size of the unit', this project has provided a large open space for all units, regardless of the size of the unit.

For the semi-private open spaces at the upper floors, the access to fresh air, light and nature is maintained by the project's proposal.

2. They should translate into a perception of an increase in living space and the ability to invite the outdoors in. Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should be adequate to be usable, allowing space for a chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up.

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For the semi-private open spaces at the upper floors, the access to the space is and its perception of being part of the outdoors is maintained. Specifically, each cluster of units on a floor (with no more than four) would be provided a shared space. Spatially, the physical distance to the balcony is closer than the furthest point of the unit itself. This translates that it is not a burden or a challenge to access the balcony space, it continues to be accessible. Additionally, the larger size of the balcony area encourages its useability as described above. The consideration is that the balcony areas will primarily be used by the people living directly adjacent to them, but the size of the balconies at 80 square feet, can also provide space for neighbors to come together. The types of units accessing the semi-private balconies vary, but it is not limited to one unit type: it is a mix of 1-2 and 3 bedroom units.

*3. Private open space should enhance the residential function of the building while also improving the appearance of the building. They should be integrated into the overall architectural form and add detail to the façade.*

As described, the project uses a combination of simple building forms and appropriately sized detail elements to create a human scale. The project limits protrusions, which enables one to focus on the clear and coherent massing. This creates a cohesive design that relates to the farming and industrial buildings of the Three Mile context. This approach has been applied to the provision of the private open space. By regulating the number of three-story balcony elements in the facades and the patio spaces as covered structures, the design strikes a balance between functionality and integrating into the overall architectural expression of the buildings. This approach meets this design criteria.

*4. Placement can vary based on privacy concerns. It can be combined across multiple floors.*

Placement for the ground floor units in terms of privacy has been a consideration in their design. The landscaping between the patios and the common open space will provide a transitional zone between the dwelling units and the public areas of the project for the units that are facing the central common open space. For the units that are facing outward to the private access road or parking areas there will be landscaping and a low wall to provide a transitional zone between the dwelling units and the sidewalks.

Placement for the semi-private open spaces on the upper floors has been combined between units, rather than across multiple floors. In this manner, the useability and functionality of the private open space has been encouraged: rather than provide small, step-out, Juliet-style balconies, as described by the supplemental option, this project has chosen to provide larger than required spaces that will allow for additional outdoor space and functionality. The functionality of all these open spaces will be enhanced by their ability to be covered and provide protection from the elements.

Lastly, in light of this request, it is important to note how, overall, the project is exceeding the amount of Common Open Space required for the project. As described, the common open spaces provided are a variety of open and covered spaces. For covered spaces, there will be a large porch area at the Common Building and a large porch by the laundry. These spaces, in conjunction with the private open spaces will all work together to provide a variety of covered gathering spaces for residents, at a variety of scales, enabling useability during all weather.

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**Compatibility, Step back**  
**17.11.090.D.11.b.5**

This request is to maintain the building wall at the upper floors in lieu of providing a step-back as noted by the requirement below:

*5. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.*

This requirement assumes a building wall at the street frontage. In this project's site, the buildings are already setback from the street.

The characteristic associated with this requirement is still being met by the design:

*a. New multi-dwelling housing should be compatible with its surrounding context while introducing new shape, size, and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.*

As shown on the Sheet G1.31, Elevations, provided with this application, the project is compatible with the surrounding context. The majority of the buildings have a suburban character, setback from the street. In this case, Stratus Village balances that context and creates a neighborhood context, by reducing the visual impact of the upper floors by providing ample setbacks. These setbacks also work to ensure compatibility with the surrounding developments, specifically, the residential development to the west.

**Wall and Roof Design, Main Entrance**  
**17.11.090.D.12.B.3.B**

This request is to reduce the amount of street-facing entrances on the front façade of the building. For this project, the main entrances of the buildings which face SE Stratus are all facing towards to center of the site. As noted previously, the goal for this project's design was to balance the interest in creating a presence on SE Stratus while facing outward with the importance of creating sizeable community areas at the center of the site. On balance, the design creates both differentiation at the street (landscaping, pedestrian pathways and other cues) while maintaining a focus at the central community area at the Meadow and other common open space areas.

*B.3. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.*

*As with previous requests, it is important to look to the Characteristics associated with this subsection, and note that this project and its design continues to meet the characteristics and therefore, the intent, of the standard.*

*A. Characteristics.*

- 1. For buildings that front the street, avoid long, monotonous, uninterrupted walls. Modulate buildings walls and roofs to prevent large, uninterrupted walls and building mass.*
- 2. Differentiate between the base of the building and the top of the building to enhance the pedestrian realm. Make base treatment cohesive across façades and integrate with the architectural character of the building.*

The treatment of the design continues to avoid long, uninterrupted walls: it does this by providing a variation in building, in building scale and in its distance to the street frontage on

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SE Stratus. This variation also includes the provision of a variety of landscaping at a variety of scales, which also help to buffer the pedestrian along SE Stratus.

*3. Multi-dwelling development must address the following design objectives:*

*A. Articulation – All street-facing buildings shall incorporate design elements that break up façades into smaller planes.*

*B. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.*

*C. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.*

*D. Detailed Design – All street-facing buildings shall include several features.*

These Characteristics are continuing to be addressed by providing a variety of articulation, window areas and detailed design along all the frontages which face SE Stratus. For example, the design exceeds the overall number of Detailed Design elements also required in this code section. Material and color choices also provide design elements which support the project's orientation and visibility from SE Stratus. See the series of building elevations for all building facades as provided with this application plan set for details on the materials and facades associated with each facade.

As a result of the pedestrian pathways, overall site access points and landscaping/wayfinding clues, the project's overall orientation and visibility for residents, guests and visitors is being maintained.

*C2. Resulting development will not be inconsistent with the comprehensive plan objectives of the area;*

**APPLICANT RESPONSE:** As described in Section II of this application, this project can be shown to meet the objectives of the Comprehensive Plan, including those noted in Comprehensive Plan Policies, Volume II, Chapter V HOUSING AND RESIDENTIAL DEVELOPMENT. Addressed in Section II of this application. These include the project's ability to provide for a wide range of housing types at a variety of affordability levels; the ability of the project to provide for a substantial quantity of open space that has been well-designed for programming and aesthetics and the project provides for a high degree of compatibility when viewed in light of the neighborhood and this area of the City.

Additionally, the Three Mile Area Plan included design guidelines that reflected the Three Mile Lane's pattern area as well as a reflection on the Great Neighborhood Principles. Both of these policy documents' content has been reflected in the project's overall design, as provided in Section II. These policy documents are also noted, where applicable, in each of the responses to the criteria for this project.

*C3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT RESPONSE:** The requested modifications from the City's code regarding design from the Residential Design Standards in 17.11 and the request for landscaping reduction in 17.57 will not impede the project's ability to provide for adequate access and efficient provision of services to the surrounding parcels. Additionally, as described previously, the provision of services such as stormwater improvements will improve access and provision of these services to adjacent parcels.

Public right-of-way improvements along Stratus Avenue are anticipated to include the retainage of the existing concrete curb and gutter along the south side of Stratus Avenue, with the development of a new 10-foot wide concrete sidewalk constructed to directly abut the existing curb. Improvements also

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include a single ADA ramp at the corner of Stratus and the Private Access Drive, directing pedestrians across the private drive. This improvement, as required by city of McMinnville Zoning Code specific to a Minor Collector, which is the designation of Stratus Avenue, will trigger a required right-of-way dedication in the amount of a to-be-determined amount. This dedication and proposed improvement will also require the shift and re-recording of (2) existing easements that overlap and run parallel with the existing north property line. These easements include a 7-foot wide slope, power, communication and water easement, and a separate 10-foot utility easement.

*C4. The plan can be completed within a reasonable period of time;*

**APPLICANT RESPONSE:** The expected timeline for this project is as follows: Construction is to begin in Q4 2023. The construction duration is 19 months. Time is of the essence to contain construction cost pressure and uncertainty in the financial markets. The requested modifications from the City's code will not cause to lengthen the above-noted timeline.

*C5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT RESPONSE:** The requested modifications will not adjust the ability of the project to comply with City or other regulating agency's compliance with street standards. Evaluation of the proposed use of multi-family and any expected impacts on traffic was resolved as part of the adoption of Ordinance #5095.

*C6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT RESPONSE:** Utility and drainage facilities will be updated for this site in order to support this development as follows:

Sanitary sewer services currently do not exist within the surrounding public or private right-of-way, thus proposed is a short extension of the public sewer system located within SE Stratus Avenue, extending from the existing manhole to a point adjacent to the proposed driveway access in the northwest corner of the development site. From this point, the sewer system extends as a private main onto the site and within the west drive lane, providing for a downstream connection point for all proposed building sewer laterals.

Stormwater management for the proposed site and building improvements will include collection systems for roof water and all parking lot surfaces via catch basins. All pipes will convey runoff from the new impervious surfaces to one of many points of connection to the existing private storm main that is located on/through the development site, refer to the Existing Conditions Plan for the location and routing of this existing pipe located within an easement as it traverses the development site. The storm drain design will include assemblies sized to detain site runoff, releasing at a rate at or below the pre-development conditions, so as to not overflow the downstream pipe and/or ditch system, which will convey runoff from the development site, as well as runoff from upstream developments located east of the project site, to an eventual outfall into the South Yamhill River.

None of the requested modifications as cited above will reduce the project's ability to comply with utility or drainage requirements for the site.

*C7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;*

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**APPLICANT RESPONSE:** As described in the previous decision (Ordinance #5095) approving multi-family as a use at this site, in comparison with the previous use of agricultural uses, the provision of multifamily housing has much less external noise, particulates in the air or direct pollutants. This project and the requested modifications regarding design from the Residential Design Standards in 17.11 will not increase either the noise, air or water impacts associated with the multifamily project.

*D. If, in the opinion of the commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;*

**APPLICANT RESPONSE:** This is understood by the Applicant.

*E. The commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;*

**APPLICANT RESPONSE:** This is understood by the Applicant.

*F. Before approving a planned development, the commission shall follow the procedure for considering an amendment as required in Chapter 17.72 MMC (Applications and Review Process) of this ordinance;*

**APPLICANT RESPONSE:** As described previously, Condition #22 of Ordinance #5095 as the process to follow as noted below. This narrative includes responses to the criteria noted within this Condition.

Ordinance #5095, Condition #22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment. but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

*G. Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan shall be placed on file with the planning department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the planning commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the city planning director. It shall be the planning director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the commission. Review of the planning director's decision by the planning commission may be initiated at the request of any one of the commissioners;*

**APPLICANT RESPONSE:** This is understood by the Applicant.

*H. An approved planned development shall be identified on the zoning map in addition to the existing zoning.*

**APPLICANT RESPONSE:** This is understood by the Applicant.

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**FINDING (Chapter 17.51): SATISFIED WITH CONDITIONS.** The applicant is not requesting a new Planned Development, but is rather requesting a Planned Development Amendment. The criteria for a Planned Development Amendment are provided in Section 17.74.080(A)-(G), which are also identical to the provisions in 17.51.030(C)(1)-(7). The applicant has provided responses in both sections. Findings are provided in the section of this decision document addressing 17.74.080 and are not duplicated here.

The applicant is requesting the Planned Development Amendment to amend a portion of the existing Planned Development master plan for medical office on the subject property with a revised master plan for apartment use and development on the subject property. Accordingly, the applicant needs to demonstrate consistency with the terms of the Planned Development Ordinance 5095 for an amended master plan. This also requires the applicant to demonstrate the proposed master plan is also consistent with other applicable plans, ordinances, standards, and provisions of the Zoning Ordinance.

In addition, as part of the Planned Development Amendment request, the applicant is requesting flexibility regarding the following subsections of the residential design and development standards for multi-dwelling development provided in Section 17.11.090:

- 17.11.090.D.4.f.3 Parking Lot Location
- 17.11.090.D.6.b.1 and b.2 Private Open Space
- 17.11.090.D.11.b.5 Compatibility, Step back
- 17.11.090.D.12.B.3. Wall and Roof Design, Main Entrance

As part of the request for amendment, the applicant has described the specific requests and rationale under Section 17.51.030(C) above, including information regarding Subsection C1:

*C1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

The request is specific to, and attached to, the proposed master plan. Approval of the master plan as proposed includes approval of these items.

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**City of McMinnville**  
**Community Development**  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311  
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## EXHIBIT 2 – STAFF REPORT

**DATE:** September 21, 2023  
**TO:** Planning Commission Members  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Public Hearing – Adopting a Housing Needs Analysis and Economic Opportunity Analysis as Addendums to the McMinnville Comprehensive Plan (Dockets G 1-20, and G 3-20)

### STRATEGIC PRIORITY & GOAL:

 <p><b>GROWTH &amp; DEVELOPMENT CHARACTER</b>      Guide growth &amp; development strategically, responsibly &amp; responsibly to enhance our unique character.</p>	 <p><b>HOUSING OPPORTUNITIES</b> (ACROSS THE INCOME SPECTRUM)      Create diverse housing opportunities that support great neighborhoods.</p>
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**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

**OBJECTIVE/S:** Conduct thorough and timely planning and forecasting to ensure that regulatory frameworks for land supply align with market-driven housing needs

### Report in Brief:

This is a public hearing continued from September 7, 2023, to consider adopting a new Housing Needs Analysis and Economic Opportunity Analysis as amendments to the McMinnville Comprehensive Plan, for the planning periods of 2021-2041 and 2041 – 2067.

The project website with the public record can be found at: [G 1-20, G 2-20 & G 3-20 Project Materials \(BLI/HNA/HS\) | McMinnville Oregon](#)

Per HB 2003 (2019 Oregon Legislative Session), the City of McMinnville needs to adopt and submit a Housing Needs Analysis to the Department of Land Conservation and Development by December 31, 2023.

This work was started in 2018/2019 resulting in draft documents that needed to be updated to reflect the December 2020 (acknowledged by DLCDC April 2021) urban growth boundary (UGB) amendment for the planning period of 2003 – 2023, and the recent mandates from the Oregon Legislature for missing middle housing code reforms as well as reduction of capacity analysis for rural residential lands within the UGB for more than 14 years per OAR 660-038-0170(6)(b).



There are three steps in planning for growth relative to land supply:

- 1) **Needs Analysis** – Identification of how much land is needed for housing, industrial, commercial and public land to support population growth for twenty years.
- 2) **Land-Use Efficiencies Analysis** – is there a way to reduce the additional land need by densifying the development within the existing urban growth boundary.
- 3) **Urban Growth Boundary Alternatives Analysis** – an evaluation of land within 1-mile radius of the existing urban growth boundary to identify the best land for the City’s urban growth boundary expansion that is the least impactful to prime farm and forest land.

This is the consideration of the first step in the process – the needs analysis. Step 2 will follow in 2024, and Step 3 will follow in 2025 if warranted.

### **Background:**

In 1994, the City of McMinnville entered into periodic review with the Department of Land Conservation and Development to start planning for future growth for the planning horizon of 2000 – 2020. The last urban growth boundary and growth planning effort had been for the planning horizon of 1980 – 2000. A Housing Needs Analysis was initially adopted in 2001, challenged, appealed and remanded back to the City for amendments and final adoption in 2003, with a new planning horizon of 2003 - 2023. An Economic Opportunity Analysis was prepared in 2001 and adopted in 2003 for the same planning horizon of 2003 - 2023. Both evaluations identified the need for additional land for housing, park land, institutional land and employment land. The City submitted a UGB amendment to the Department of Land Conservation and Development. That submittal was challenged resulting in a partial UGB amendment and remanded back to the City. After years of appeals, eventually resulting in an appeal to the Court of Appeals, the City elected to pause this work. In 2013, the City elected not to invest more resources and staff time in the effort, resulting in the City not meeting their land need for housing and employment land for the planning horizon of 2003 – 2023. This led to increasingly constrained land supply for housing and employment development within the City of McMinnville’s urban growth boundary.

In 2018, the City of McMinnville initiated an effort to update its Housing Needs Analysis (HNA), Economic Opportunities Analysis (EOA), and Public Lands Analysis. After realizing the negative effects of constrained land supply on the City of McMinnville’s housing market and employment opportunities, the City elected to initiate the needs analysis to facilitate another effort at planning for growth in McMinnville. City Council directed staff to plan for both a twenty-year growth horizon (2021 -2041) as well as a fifty-year growth horizon (2021 – 2067) in order to adopt a future Urban Reserve Area so that the City did not find itself in the same predicament in the future.

The city engaged a consultant team and worked with a project advisory committee on a buildable lands inventory, housing needs analysis, and economic opportunities analysis throughout 2018 and 2019.

At the same time, during the 2019 Oregon Legislative Session, two house bills were adopted, HB 2001 and HB 2003. Both bills impacted state legislation and eventually, rulemaking relative to how cities implemented land needs analyses. Knowing that the legislation and rulemaking would take some time to enact, the City put a pause on their draft needs analyses and turned towards the 2013 urban growth boundary remand to see if that would lead to a quicker resolution to the city’s land supply issues rather than a new effort. City staff worked on a response to the Court of Appeals remand in 2020 and in April 2021 learned that the submittal had been approved by the Department of Land Conservation and Development and was not appealed.

In order to preserve their efforts from 2018 and 2019, in May 2020, the City of McMinnville submitted the following “PAPA” notices (Notice of Proposed Amendments) to DLCD:

- **HNA.** Housing Needs Analysis and Residential Buildable Land Inventory (June 2019 Draft).
- **Housing Strategy.** (June 2019 Draft).
- **EOA.** Economic Opportunities Analysis, Employment Land Buildable Land Inventory, and Other Land Needs (February 2020 Draft). The City subsequently completed additional updates to the February 2020 draft in June 2020 after the initial PAPA submittal to DCLD. The City subsequently submitted the updated draft as an amended PAPA notice in May 2021.

In addition to the HNA, Housing Strategy and EOA, the City prepared a memo updating the HNA (Addendum 1 to the HNA) in June 2020 to address any new discoveries since the June 2019 draft was completed, and an Urbanization Study that served as a summary of the HNA/EOA analysis. All of which were provided as part of the PAPA notices.

As part of the PAPA notice for these documents in May 2020, the City needed to provide a specific date for a public hearing, and the City elected to select May 20, 2021, for the public hearing date to provide enough time for the HB 2001 and HB 2003 rulemaking to conclude.

On May 20, 2021, the Planning Commission opened and continued the public hearing to May 18, 2023. And then on May 9, 2023, the City noticed that the public hearing would be continued to September 7, 2023, to consider the final documents. This was done to preserve the work and investment that went into the 2018/2019 effort and to just focus on a limited update in 2023. Legal counsel and DLCD staff concurred with the process.

Due to the actions that the City took in May 2020, the City was able to preserve the work that had already been done thus far to meet the HB 2003 mandate, but the buildable land inventory needed to be updated to reflect the new urban growth boundary amendment and the provisions of HB 2001 (2019 Legislative Session) needed to be applied to the capacity analysis.

The updated McMinnville Urbanization Report (attached) provides a summary of the key data and findings for the Housing Needs Analysis, Economic Opportunities Analysis, and Public Land Needs Analysis.

**Population Forecast Used:**

**McMinnville’s 5-, 10-, 20-, and 46-Year Population Forecast, McMinnville UGB, 2021, 2026, 2031, and 2067**

Source: Population Research Center, Portland State University, June 30, 2017.

<b>36,238</b>	<b>38,985</b>	<b>41,813</b>	<b>47,498</b>	<b>62,803</b>
2021	2026 (5-year)	2031 (10-year)	2041 (20-year)	2067 (46-year)

(Note this is provided by Portland State University’s Portland Research Center and cities are required to use it per state law. It has been updated since the 2017 forecast was released, but the City made a policy decision to continue to use the 2017 population forecast so as not to rework the entirety of the documents to reflect a new forecast that was released in the summer of 2020 after the drafts had been completed. This is allowed by state law and is a policy decision that was supported by DLCD staff, as it saved the City the costs and time that would be associated with redoing all of the work to reflect the new forecast.)

The documents discuss the different applicable statutory requirements and local policies that framed the discussion and recommendations of the project advisory committee as well as the decisions made by the project advisory committee that best reflected community values in terms of housing density, employment land needs and public land needs. The committee evaluated local data and planning scenario with the assistance of the consultant team and evaluated those scenarios within the regulatory framework of state laws, administrative rules and local comprehensive plan policies. and adopted policies to determine .

**Land Deficiency Identified (gross buildable acres):**

<b>Planning Period</b>	<b>Housing Land Need</b>	<b>Employment Land Need</b>	<b>Public / Institutional Land Need</b>	<b>Total</b>
<b>2021 – 2041  (Urban Growth Boundary)</b>	<b>202 Acres</b>	<b>29 Industrial 159 Commercial  188 Acres</b>	<b>94 Acres</b>	<b>484 Acres</b>

If a needs analysis shows a need for additional land, typically the City would be required to submit with the needs analysis how it was addressing that additional land need – either through land-use efficiencies that created higher density development within the existing urban growth boundary or an expansion of the urban growth boundary or both. However, the state recently passed statutory provisions that allow for a sequential UGB analysis providing cities with additional time to evaluate land-use efficiencies and a potential UGB expansion after submitting a needs analysis (OAR 660-025-0040).

In this case, the needs analysis showed the additional land need for approximately 484 additional acres for housing, industrial, commercial, and public development needs to meet the projected population growth in the 2021 – 2041 planning horizon. However, given the statutory deadline of December 31, 2023, to submit the needs analysis to the state, the City is working with the Department of Land Conservation and Development on a sequential UGB work plan, allowing the City to conduct an efficiency measures analysis in 2024, and an urban growth boundary amendment if warranted in 2025 after the efficiency measures analysis.

For decades McMinnville has struggled with the discussion of growth planning with impassioned dialogue and debate about what is best for McMinnville.

The reality though is that McMinnville must plan for growth. That is the basis of the Oregon land use system. Cities are meant to grow to accommodate future population growth at a higher density and intensity than the unincorporated county in order to preserve farm and forest land. This is one of the basic premises of Oregon land use planning. Growth should occur within the cities’ urban growth boundaries at a higher level of density and intensity than rural areas. And if a city needs to expand its urban growth boundary to accommodate Oregon’s future growth it should do so.

The Oregon land use system was never intended to prevent cities from expanding their city limits and urban growth boundaries in order to accommodate that growth. In fact, the system is set up to require cities to expand their urban growth boundaries if the analysis indicates the need to do so. All Oregon land use goals are intended to be considered in equal measure and no one land use goal is considered more important than another. It is just as important to provide adequate land supply to support the needed new housing and employment opportunities for future population growth as it is to protect farm and forest land. If that does not occur, then the system is no longer equitable as it is choosing one land use goal over another.

To put it in perspective:

- The City of McMinnville's urban growth boundary is approximately 8,155 acres (corrected from the September 7, 2023 staff report which stated 7,956 acres). There is approximately 458,240 acres of land in Yamhill County. The City of McMinnville's current urban growth boundary accounts for 1.8% (corrected from the September 7, 2023 staff report which stated 1.7%) of the overall land acreage in Yamhill County.
- The City of McMinnville's city limits houses 32% of the county's population.
- If the UGB needed to expand by 484 acres to accommodate future growth to 2041, it would absorb 0.1% (1/10 of 1%) of the total land acreage in Yamhill County.

The law also provides the opportunity for McMinnville policymakers to make their own decisions about how dense they want to build their needed housing, and the amount and type of land needed to meet their economic development goals and strategies.

The law also provides the opportunity for individuals and organizations to appeal the decisions of the City.

McMinnville's previous growth planning effort endured 20 years of debates, challenges, and appeals, resulting in a constrained land supply system that has changed the dynamics of the community. Housing has become exponentially more expensive as production has dwindled with land supply constraints. Lower and moderate-income households are being displaced from the marketplace. Employers are struggling to recruit and retain workforce due to affordable housing supply issues. Commercial land deficits have affected the supply of retail options in McMinnville. Recent studies show that many of McMinnville's households drive out of town to shop for general merchandise that they do not feel they can access in McMinnville.

This initial land need process is about planning for and ensuring that McMinnville can accommodate the future population growth assigned to the city by the state. Ensuring that there is enough land to build the needed housing, parks, employment, and commercial opportunities necessary to sustain a growing community with its own unique quality of life for current and future residents in an equitable manner.

This step in the process is about identifying what the land need is for the community to absorb population growth based on the community's existing values for housing density, economic development opportunities, and public land amenities to ensure a standard of quality of life for McMinnville's current and future residents. This first step relies on historic data and adopted comprehensive plan policies to inform the analysis.

The next step in the process, the land-use efficiencies evaluation, will determine if the community wants to change how it develops by increasing housing and employment density and reducing the amount of commercial and public amenity options to preserve more farm and forest land adjacent to the community. During this process the community will be asked to evaluate rezoning land or changing comprehensive plan policies to reflect those changes that the community wants to enact.

The last step of the process, the urban growth boundary expansion analysis, evaluates all land surrounding the current urban growth boundary for the lowest classification of high-value farm and forest land that is suitable for urban development in order to preserve the highest classifications of high-value farm and forest land.

### **Next Steps:**

- Adopt and submit the land needs analysis to DLCD - December 31, 2023.
- Evaluate land-use efficiencies – January 1 – December 31, 2024
- Adopt and submit a UGB amendment, if needed, to DLCD – December 31, 2025

### **Discussion:**

The Planning Commission hosted a public hearing on September 7, 2023. At that public hearing, they heard public testimony from Mark Davis, Sid Friedman and Rob Hallyburton. Sid Friedman and Rob Hallyburton were representing Friends of Yamhill County. Mark Davis expressed his concerns about the amount of park land need relative to the data in the record and past city performance, and the Friends of Yamhill County questioned some of the decisions of the Project Advisory Committee relative to assumptions of future projections based on past performance.

The Planning Commission asked if Susan Muir, McMinnville's Park and Recreation Director, could join them at their next public hearing and if staff could work on a response to the Friends of Yamhill County testimony.

Susan Muir will join the Planning Commission for their public hearing on September 21, 2023, and staff is working with legal counsel and the consultant on memorandums to address the Friends of Yamhill County / 1000 Friends written public testimony received on August 30, 2023. Those memorandums will be provided on Monday, September 18, 2023, in advance of the public hearing and will be entered into the record.

Staff is also working with the consultant to recalculate park land need by reconciling the added park land to the UGB in 2021 for Joe Dancer Park, based on some of the testimony provided by Mark Davis. This analysis will be included in the memorandum provided on Monday, September 18, 2021.

After the public hearing on September 7, 2023, staff sent out an email to the Planning Commission on Monday, September 11, 2023, with the following:

- Correction to the public record provided by Friends of Yamhill County, (September 8, 2023), correcting a statement about the minimum lot size in Newberg for a triplex from 3000 sq ft to 5000 sq ft. *(Please see attached)*.
- Correction to the public record provided by the City of McMinnville (September 11, 2023), correcting statements made in testimony at the September 7, 2023 Planning Commission about the percentage of park land relative to the percentage of housing land need in the overall UGB amendment for the planning horizon of 2003 – 2023. Statements were made that characterized the proportionality of park land versus housing land that was brought into the UGB during the second phase of the UGB alternatives analysis in 2021 without including the housing land that was brought into the UGB during the first phase of the UGB alternatives analysis in 2003. *(Please see attached)*.
- Electronic copy of staff presentation at the public hearing. *(Available on the project website)*.
- Electronic copy of the Friends of Yamhill County presentation at the public hearing. *(Available on the project website)*.

- The body of the email included a table identifying minimum lot sized for different housing types allowed in the McMinnville Municipal Code for Tiny Homes, Single Units, Duplex, Triplex, Quadplex, Cottage Cluster and Town Homes allowed in the R1, R2, R3 and R4 zones as part of a planned development project. *(Please see attached).*

That email and the corrections to the record are attached to this staff report. The presentation slides provided at the September 7, 2023, public hearing are provided on the project website at: [G 1-20, G 2-20 & G 3-20 Project Materials \(BLI/HNA/HS\) | McMinnville Oregon](#).

There was discussion at the public hearing about the fact that a UGB expansion of 484 acres in Yamhill County would equate to 0.1% (1/10 of 1%) of the overall land acreage in Yamhill County (assuming 458,240 acres), increasing McMinnville’s UGB total share of acreage in Yamhill County to 1.9% of the overall land acreage. The question was then asked what did 484 acres equate to if the whole expansion was EFU acreage. Currently there is approximately 191,639 acres of EFU land in Yamhill County. If the city expanded its UGB by 484 acres into 100% EFU land, that would equate to 0.25% of the Yamhill County EFU acreage (25/100 of 1%).

**Attachments:**

- Friends of Yamhill County, Correction to the Record, 09.08.23
- City of McMinnville, Correction to the Record, 09.11.23
- Email from Heather Richards to Planning Commission, 09.11.23

**Critical Documents Located on the Project Website:** [G 1-20, G 2-20 & G 3-20 Project Materials \(BLI/HNA/HS\) | McMinnville Oregon](#)

- Draft Updated McMinnville Urbanization Report (September 2023)
- Draft Updated McMinnville Housing Needs Analysis (September 2023)
- Draft Updated McMinnville Economic Opportunities Analysis (September 2023)
- Public Testimony Received – Friends of Yamhill County and 1000 Friends of Oregon (August 30, 2023)
- Public Testimony Received – Mark Davis (September 5 and September 7, 2023)

**Fiscal Impact:**

The initial drafts of the Housing Needs Analysis and Economic Opportunity Analysis cost approximately \$165,000 in consultant fees plus staff support at \$75,000.

Updating the Housing Needs Analysis and Economic Opportunity Analysis cost approximately \$50,000 plus staff support at \$20,500.

**Recommendation:**

Staff recommends the Planning Commission vote to recommend adopting the proposed documents as amendments to the McMinnville Comprehensive Plan to the McMinnville City Council.

**“I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT THE MCMINNVILLE HOUSING NEEDS ANALYSIS, 2023 (Docket G 1-20) AND THE MCMINNVILLE ECONOMIC OPPORTUNITY ANALYSIS, 2023 (Docket G 3-20) AS AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN”**



P.O. Box 1083  
McMinnville, Oregon 97128

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County

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September 8, 2023

McMinnville Planning Commission  
Heather Richards  
231 NE Fifth Street  
McMinnville, OR 97128

RE: record correction

Dear Planning Commission Members and Staff:

In response to a question at last night's planning commission hearing, I erroneously said that Newberg allows triplex development on lots as small as 3,000 sq. ft. in its R-2 zone. I double checked and I was mistaken. While Newberg allows single-family homes and duplexes on a 3,000 sq. ft. lot in the R-2 zone, and townhomes on lots as small as 1,500 sq. ft., its minimum lot size for a triplex in the R-2 zone is 5,000 sq. ft. Newberg's development code also includes maximum lot area standards.

All of Newberg's lot area standards can be viewed at:

[Chapter 15.405 LOT REQUIREMENTS \(codepublishing.com\)](http://www.codepublishing.com/Chapter_15.405_LOT_REQUIREMENTS) <sup>1</sup>

Thank you again, for the opportunity to testify last night.

Sincerely,

Sid Friedman  
Friends of Yamhill County

---

<sup>1</sup> [www.codepublishing.com/OR/Newberg/#!/Newberg15/Newberg15405.html#15.405](http://www.codepublishing.com/OR/Newberg/#!/Newberg15/Newberg15405.html#15.405)

## CORRECTIONS FOR THE RECORD, RELATIVE TO % OF LAND FOR NEW HOUSING VERSUS PARKS IN MGMUP UGB AMENDMENT, 2003 – 2023.

There were statements made at the September 7, 2023 Planning Commission public hearing about the percentage of park land need relative to the percentage of housing land need in the overall UGB amendment. These statements, staff believe, failed to account for the housing land that was included in the UGB amendment, Phase I. Below is a representation of the MGMUP UGB Amendment, 2003 – 2023.

**TABLE 1: Total additional residential acres needed in the McMinnville UGB, 2003-2023 after land-use efficiencies are applied, the new high school and middle school site are removed, and neighborhood serving commercial land is added.. (McMinnville Growth Management and Urbanization Plan)**

Category of Land Need	Needed Gross Buildable Acres
New Housing	392.90
Parks	254.00
Schools (remove 53 acres for high school site and middle school site in city limits)	43.00
Private Schools	1.50
Religious	47.60
Government	0.90
Semi-Public Services	22.50
Infrastructure	2.60
Total	765.00
Neighborhood Commercial	39.20
<b>TOTAL:</b>	<b>804.20</b>

**TABLE 2: % of Land Need Categories in MGMUP UGB Amendment, 2003 – 2023 for UH Comp Plan Designation.**

Category of Land Need	Needed Gross Buildable Acres
New Housing	49%
Parks	32%
Schools	5%
Private Schools, Religious, Government, Semi Public Services, Infrastructure	9%
Total	765.00
Neighborhood Commercial	5%
<b>TOTAL:</b>	<b>804.20</b>



**From:** [Heather Richards](#)  
**To:** [Heather Richards](#)  
**Bcc:** [Sidonie Winfield](#); [Gary Langenwalter](#); [Megan Murray](#); [Daniel Tucholsky](#); [Brian Randall](#); [Beth Rankin](#); [Sylla McClellan](#); [Matthew Deppe](#); [Rachel Flores](#); [Scott Unger](#); [Sid Friedman](#); [Mark Davis](#); [Rob Hallyburton](#)  
**Subject:** G 1-20, For the Record  
**Date:** Monday, September 11, 2023 9:41:00 PM  
**Attachments:** [FYC Correction 9-08-2023.pdf](#)  
[FOYC 1000 Friends PPT Slides - Testimony 09.07.23.pdf](#)  
[PC Public Hearing 09.07.23.pdf](#)  
[CORRECTIONS FOR THE RECORD. % of Park Land Need to Housing Land.pdf](#)  
[image002.png](#)

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Hello Planning Commissioners (and Sid Friedman, Rob Hallyburton, Mark Davis and Scott Unger) by bcc;

Please find attached a correction for the record from Friends of Yamhill County (FOYC) for Docket G 1-20, Housing Needs Analysis. I am also attaching a copy of the staff presentation and the FOYC presentation for your records, as well as a correction for the record of housing land need relative to parkland need in the recent MGMUP UGB update. All are posted on the website at: [G 1-20, G 2-20 & G 3-20 Project Materials \(BLI/HNA/HS\) | McMinnville Oregon.](#)

There was also some discussion at the previous public hearing about lot size allowances for different types of housing in McMinnville. McMinnville does have the standardized lot size zones (R1, R2, R3 and R4) but we also rely heavily on planned developments for housing development and recently amended our zoning ordinance to allow all types of housing in a planned development relative to the minimum lot sizes for that type of housing product to meet our development standards. Please see chart below. Keep in mind that these can only be used as part of a planned development and the overall lot size needs to average out to the underlying zoning lot size unless a transfer of density rights is deployed. Uniquely most of our housing developments are planned developments, and to be able to meet the Great Neighborhood Principles requiring a variety of housing types most new developments will probably be a planned development as well. This information is in Chapter 17.11 of the McMinnville Municipal Code. I will be providing this as part of my staff

report on Thursday so that it will be part of the public record.

Housing Type	Minimum Lot Size w/Alley (Planned Development)	Minimum Lot Size w/out Alley (Planned Development)
Tiny Home	1,400 sf	2,100 sf
Single Unit	2,300 sf	3,000 sf
Duplex	2,300 sf	3,000 sf
Triplex	5,000 sf	5,000 sf
Quadplex	7,000 sf	7,000 sf
Cottage Cluster (minimum of 4)	7,000 sf	7,000 sf
Town Homes	1,500 sf	1,500 sf

*Have a great day!*

*Heather*



Heather Richards  
Community Development Director  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (phone)  
971-287-8322 (cell)\*

\*Please note new cell phone number

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[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 3 – STAFF REPORT

**DATE:** September 21, 2023  
**TO:** Planning Commission Members  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Public Hearing – Docket G 3-22, Natural Hazards

### STRATEGIC PRIORITY & GOAL:



#### COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.



#### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

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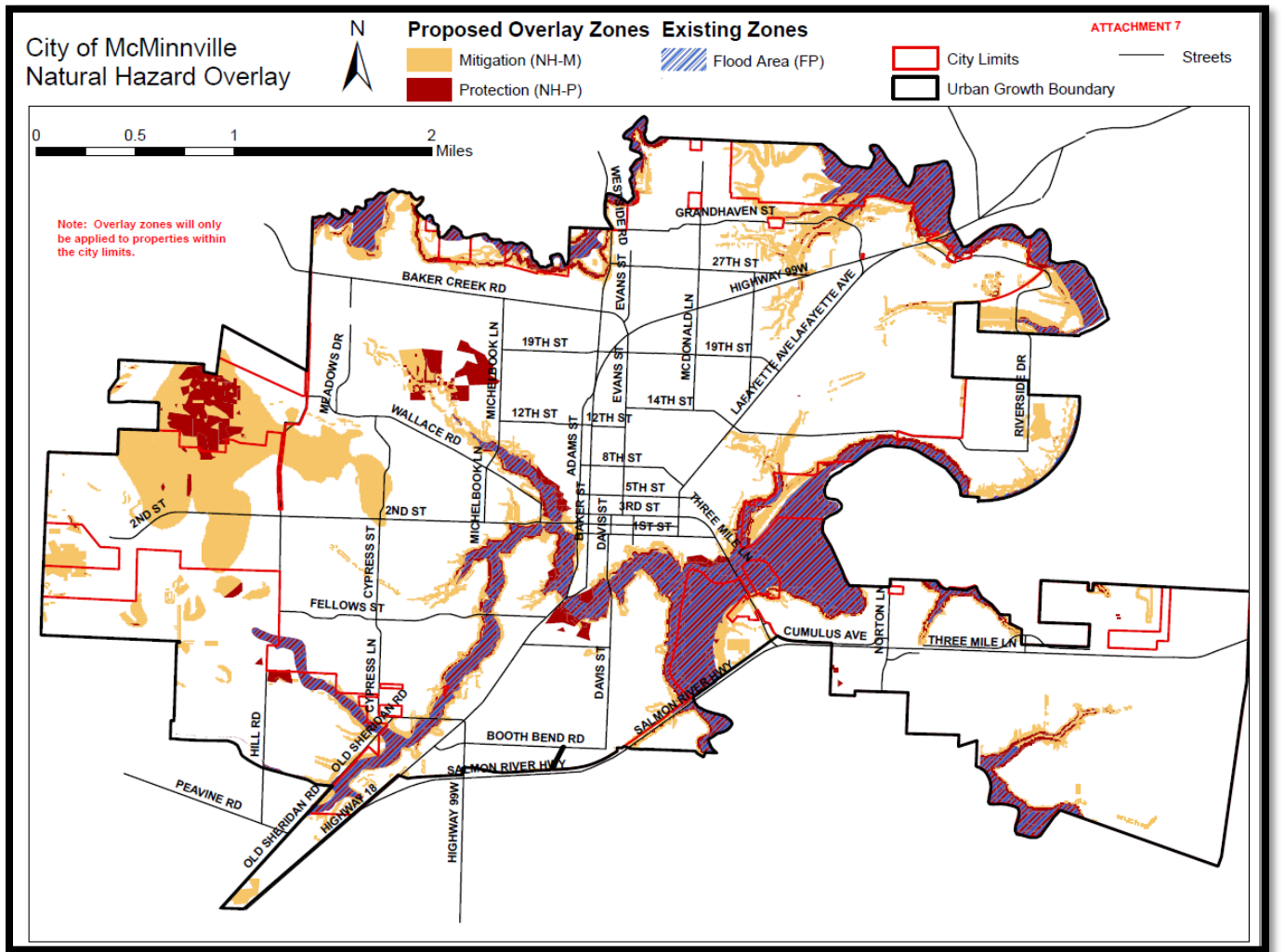
### Report in Brief:

This is the continuation of a legislative public hearing to consider the following action items as a result of the City's Oregon Land Use Goal #7 work relative to Natural Hazards:

- Amendment to the McMinnville Comprehensive Plan, Volume I – Background Elements, adopting the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices (Attachments 1, 2, 3, and 4 to this staff report).
- Amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features* (Attachment 5 to this staff report).
- Amendments to the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Natural Hazard Overlay Subdistricts* (Attachment 6 to this staff report).
- Amendment to the McMinnville Zone Map, adding the Natural Hazard Mitigation Zone (NH-M) and the Natural Hazard Protection Zone (NH-P) (Attachment 7 to this staff report).

A website page has been developed for this effort: [Natural Hazards | McMinnville Oregon](#)

Staff is requesting that the public hearing be continued to October 19, 2023, 6:30 PM to give staff more time to evaluate and incorporate public comments received from the City's Public Works team, McMinnville Water and Light, private engineers and property owners.



**Background:**

Natural hazard planning is not new to McMinnville. The original comprehensive plan in 1981 conducted natural hazard planning and from this effort, the Flood Area zone was realized. When new hazard inventory data becomes available from the state local governments should update their natural hazard planning programs to evaluate the new data and develop a mitigation plan if appropriate.

What is Natural Hazard Mitigation? Disasters occur when natural hazard events impact people, property and the environment. Natural hazard mitigation is the identification and implementation of actions that will reduce loss when the next disaster strikes. Implementing mitigation actions can also reduce the length of time that essential services are unavailable after a disaster, protect critical facilities, reduce economic hardship, speed recovery, and reduce construction costs. Natural hazard mitigation is any sustained action taken to reduce or remove the long-term risk to life, property, and the environment from natural hazards. It is most effective when implemented under a comprehensive, long-term natural hazards mitigation plan, and integrated into other partner plans.

What is a Natural Hazards Mitigation Plan? A natural hazards mitigation plan identifies hazards, vulnerabilities, and risks facing a local, state or tribal government, and prioritizes actions to reduce the risk.

Oregon Land Use Goal #7 (attachment 8 to this staff report) requires local governments to evaluate the risk to people and property when new hazard inventory information is available and assess the frequency, severity and location of the hazard; the effects of the hazard on existing and future development; the potential for development in the hazard area to increase the frequency and severity of the hazard; and the types and intensities of land uses to be allowed in the hazard area. In this effort, governments should allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation, and adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

- Avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
- Prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code.

Oregon Land Use Goal #7 further states that state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information.

In 2018, the Oregon Department of Geology and Mineral Industries updated their geohazards data. At the same time, the US Forest Service updated their Pacific Northwest Quantitative Wildfire Risk Assessment Data.

In 2019, Yamhill County with the aid of a grant from the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Program, updated the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan, which was acknowledged by FEMA in December 22, 2020.

As a partner in that process, the City of McMinnville prepared an addendum to that plan that was adopted by the McMinnville City Council on December 8, 2020 by Resolution No. 2020-67. (Attachment #9 to this staff report). The McMinnville addendum identified a number of action items for the City of McMinnville including mapping and inventorying hazard areas and evaluating comprehensive plan policies and development regulations to ensure that the city is protecting people and property from natural hazard areas. (See Multi-Hazard #2, #7, #11, #12, Landslide #2 implementation actions sheets in the addendum document – attachment #9 to this staff report).

At the same time, the State of Oregon updated the Oregon Natural Hazards Mitigation Plan, which was approved by FEMA September 24, 2020.

The hazards normally identified in Oregon are floods, earthquakes, landslides, wildfires, tsunamis and coastal erosion.

The existing comprehensive plan addresses flood hazards only – consistent with Federal Emergency Management Agency (FEMA) regulations related to the National Flood Insurance Program (NFIP). The current comprehensive plan does not have a separate natural hazards element. The McMinnville Zoning Ordinance has a separate F-P Flood Hazard Zone that applies

to land within the 100-year floodplain. However, the City currently lacks development standards for geological and wildfire hazards. The McMinnville Buildable Lands Inventory indicates slopes of 25% or greater and floodplains as unbuildable consistent with applicable state law.

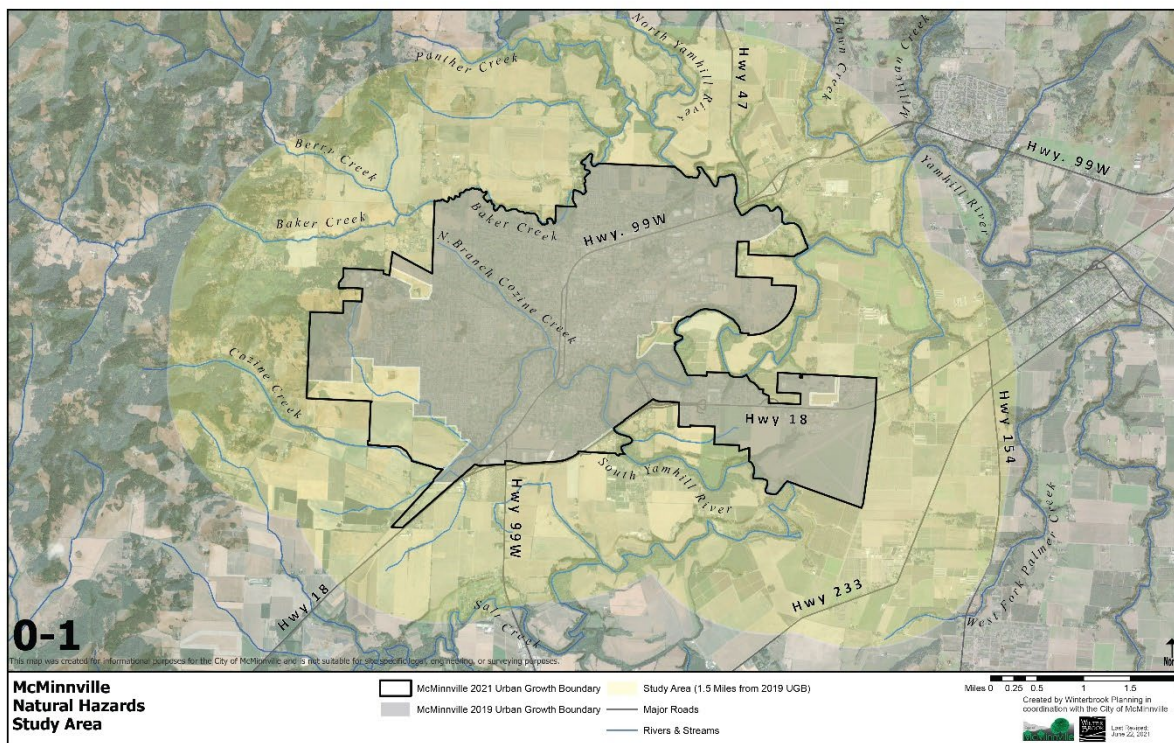
In 2020, the City hired Winterbrook Community Resource Planning to prepare the initial draft of the McMinnville Natural Hazards Inventory, Management Program Options and Recommendations study. The study area at that time included (a) the McMinnville Urban Growth Boundary (UGB) as it existed in June 2020 and (b) the UGB expansion study area within 1.5 miles of the existing UGB.

When the City initiated a UGB amendment process in 2020 simultaneously with the Natural Hazards Inventory and Review, the City considered the natural hazard inventory information provided in the initial draft report as part of the UGB analysis.

In December 2020, the City Council amended its UGB to include approximately 1,280 acres of land (of which 921 acres were considered “buildable”). The County subsequently adopted, and the Land Conservation and Development acknowledged, the UGB amendment in April 2021.

Figure 1 shows the 2021 UGB expansion area in relation to the previously existing 2019 and the Natural Hazards Study Area.

*Figure 1 McMinnville 2019 UGB, 2021 UGB, and Natural Hazards Study Area*



In April 2021, the City contracted with Winterbrook Planning to revise the 2020 natural hazards study to (a) focus on the expanded 2021 UGB, (b) include social vulnerabilities described in the *Oregon Natural Hazards Mitigation Plan* (Oregon NHMP) in the natural hazards composite ranking system, (c) amend the proposed Natural Hazard Mitigation and Protection maps accordingly, and

(d) prepare draft amendments to the McMinnville Zoning Ordinance to include natural hazard mitigation and protection subdistrict maps and text.

The revised study includes an inventory of natural hazards based on available mapping sources, considers alternative management options, and suggests policy and mapping amendments to the McMinnville Comprehensive Plan to systematically address McMinnville's mappable natural hazards within the 2021 UGB.<sup>1</sup>

The revised natural hazards inventory includes a series of GIS (geographic information system) overlay maps showing moderate, high and severe hazard areas within the 2021 UGB and study area. The inventory also includes a description of the following natural hazards and how they may adversely affect life and property:

- **Geological Hazards** (areas subject to landslide, steep slope and earthquake liquefaction and shaking impacts)
- **Flood Hazards** (areas within the 100-year floodplain including the floodway)
- **Wildfire Hazards** (areas that are particularly susceptible to wildfires due to topography, fuel and settlement patterns)
- **Composite Hazards** (areas with one or more overlapping natural hazard categories)

This work resulted in proposed amendments to the McMinnville Comprehensive Plan both in terms of new inventory and recommended programs and new policies for natural hazards. It also resulted in proposed amendments to the McMinnville Municipal Code and McMinnville Zone Map, introducing two new overlay districts, the Natural Hazard – Mitigation Zone (NH-M) and the Natural Hazard Protection Zone (NH-P). Regulations for the administration of both overlay zones is proposed as a new chapter 17.49, "Natural Hazards Overlay Subdistricts".

Throughout the past two years of evaluation and draft program implementation, city staff and the Winterbrook team have conducted several work sessions with the McMinnville City Council and Planning Commission informing them of the research and evaluation and seeking policy direction on how to move forward with mitigating the risk. In August 2020, the McMinnville City Council asked city staff and the consultants to develop mitigation measures that would help to assess risk for people and property on land that had multiple hazards, and for those lands with moderate overlapping hazards to require additional assessments as part of the development review and with those lands that were identified as high hazard areas to limit development to low density and intensity development to protect people and property.

***Impact to Properties:***

Existing Uses are considered conforming within both the Natural Hazard Mitigation Zone and the Natural Hazard Protection Zone, and can be expanded by 50% of the habitable area without implicating the provisions of the natural hazards overlay.

The Natural Hazard – Mitigation Zone allows all permitted and conditional uses in the underlying zones to continue to be developed. However, based on the types of hazards on the property, the Community Development Director will determine if an additional study is needed to help inform

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<sup>1</sup> Winterbrook addresses relationships among natural hazards and natural resources (such as riparian and upland wildlife habitat and scenic views and viewpoints) in a separate white paper.

the development to protect the people and property from a potential natural disaster. That study might be a geo-site assessment for those properties that have landslide, liquefaction or shaking soil hazards, or a wildfire mitigation plan for those properties within a wildfire risk area. Development on slopes greater than 15% might be required by the City Engineer to provide an erosion control plan as part of their development review.

The Natural Hazard – Protection Zone allows all permitted and conditional uses in the underlying zones but limits the intensity and density of the uses by prohibiting large format commercial development, limiting land division and residential development to one unit per lot unless a planned development process is used to locate the more intensive development on land that is less hazardous. The Natural Hazard – Protection Zone also allows for a transfer of residential density rights to other properties within the city limits.

On February 16, 2023, city staff brought the final draft recommendations to the Planning Commission for review and discussion. At that work session, the Planning Commission directed city staff to identify the impact of hazard planning on property owners from the perspective of insurance provisions, and to develop an appeal process for property owners as well as the ability for property owners in the Natural Hazards – Protection overlay where development is limited to transfer their density rights to other properties within the city.

***Insurance Risk:***

City staff reached out to insurance agencies to inquire about the rise of this planning effort to home insurance policies. Most homeowners and some renters have insurance to protect their home and belongings. Homeowner and renter insurance typically covers certain natural hazards, such as water damage from heavy rain or snow. As long as it can be demonstrated that a domicile has been maintained in good working order, the majority of costs for repair and replacement can be recovered.

However, homeowner and renter insurance policies almost never cover floods, hurricanes, earthquakes, and other natural hazards. Coverage of these hazards events require separate policies that the homeowner initiates on their own. Due to the earthquake subduction zone in McMinnville, the city is already tagged as a hazard area for home insurance and insurers asked did not feel that this new information would impact anything.

***Appeal Process:***

City staff researched appeal processes in other communities for property owners to prove that their property should not be included in a hazard overlay. Based on that research, Section 17.49.95 was added to the draft code amendments per the following:

*17.49.95 Appeal / Verification of Natural Hazards boundaries. The Natural Hazards boundaries may be appealed and must be verified occasionally to determine the true location of a hazard area and its functional values on a site. This may be through a site-specific survey or a simple site visit in those cases where existing information demonstrates that the Natural Hazard significance rating does not apply to a site-specific area. Applications for development on a site located in a Natural Hazard area may request a determination that the subject site is not subject to the standards of Chapter 17.49. Verifications / appeals shall be processed as either a Type I or Type II process as outlined below.*

*A. Type I Appeal / Verification.*

- 1. Applicants for a determination under this section shall submit a site plan meeting the requirements of Chapter 17.72, as applicable.*



2. *An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*
  - a. *No natural features have been disturbed.*
  - b. *No natural features have been changed.*
  - c. *The property does not contain a natural hazard area as identified by the city's local natural hazards area maps.*
  - d. *Evidence of prior land use approvals that conform to the natural hazards overlay districts, or which conformed to the natural hazard area overlay district that was in effect prior to the Natural Hazards code adoption date \_\_\_\_\_.*
- B. *Type II Appeal / Verification. Verifications of the Natural Hazards areas which cannot be determined pursuant to the standards of Chapter 17.49 may be processed under the Type II permit procedure.*
  1. *Applicants for a determination under this section shall submit a site plan meeting the requirements of (site plan requirements) as applicable.*
  2. *Such requests may be approved provided that there is evidence that demonstrates in a report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.*
  3. *Verification to remove a recently developed area from the Natural Hazards shall show that all of the following have been met:*
    - a. *All approved development in the Natural Hazards area has been completed*
    - b. *All mitigation required for the approved development has been successful.*
    - c. *The previously identified Natural Hazards area on the developed site no longer exist or have been subject to a significant impact.*

***Transfer of Residential Density Rights:***

City staff researched transfer of density rights programs associated with natural hazard overlays in several other Oregon cities. Based on that research, Section 17.49.170 was amended to the draft code amendments per the following:

*17.49.170 Residential Density Transfer. A transfer of development density from undeveloped buildable land within the Natural Hazard Protection zone to other property within the city limits is encouraged. Density transfer may occur through the planned development process, as indicated below.*

- A. *Development Density to Transfer from National Hazard Protection Zone (NH-P). The land area from which density can be transferred excludes developed and unbuildable areas, such as riparian corridors, slopes 15% or greater, and easements. 50% of the development density of identified qualifying land within the land area may be transferred to any other residential zone.*
- B. *Development Density in Receiving Area. Up to a maximum 20% reduction in average minimum lot size or lot area per unit requirements is allowed in order to accommodate the density transfer. Developments utilizing a transfer of density will need to apply for a Planned Development pursuant to Chapter 17.51.*
- C. *If Density Transfer is Not Feasible. In situations where density transfer is not feasible, a maximum of one dwelling unit per 2.5 acres may be allowed on land zoned for residential use within the NH-P Subdistrict, consistent with the recommendations of a geotechnical engineering study and any conditions required by the review authority.*
- D. *Recording of Density Transfer. In all cases where this bonus is used, covenants or other legally binding agreements that run with the land shall preclude the development of the land from which the density is transferred. The covenants or other legally binding agreements shall be recorded before the transferred density may be used.*

## ***Public Engagement:***

The City sent out notices to all impacted property owners both within the city limits and outside of the city limits but within the UGB (although the zoning overlays will not apply until such time that the property is annexed into the city limits), informing them of the proposed amendments and inviting them to one of two public information sessions hosted on March 20 and March 27. City staff also set up a project website with an interactive map to help property owners understand the hazards that were identified on their properties and have been meeting with impacted property owners to answer their questions and concerns.

At the public hearing on April 6, 2023, the Planning Commission heard testimony from some property owners who questioned the veracity of the data and the resulting requirements of the overlays as a result of that data.

Planning Commission then had a discussion, electing to continue the public hearing and directing city staff to do some more research on the following:

***Transfer of Development Rights Program:*** Planning Commissioners asked if the development rights could be sold; if the property owner needed to own both the giving property and the receiving property; and asked city staff to research a program with 100% transfer of development rights rather than the 50% recommended.

After some research and evaluation, staff is recommending that the city process for the program be fairly simple. The City would provide a certificate to the giving property that is recorded on the city's internal lien system. Any transfer of density rights program application would have the giving property owner's signature and the receiving property owner's signature as well as the certificate signed over to the receiving property, so that the City is not managing the density rights as commodities. Please see recommended amendments to the proposed code in red below.

***17.49.170 Residential Density Transfer. A transfer of development density from undeveloped buildable land within the Natural Hazard Protection zone to other property within the city limits is encouraged. Density transfer may occur through the planned development process, as indicated below. The transferring property does not need to be owned by the property owner of the receiving property, but both property owners need to sign the density transfer application to memorialize the transfer.***

- E. Development Density to Transfer from National Hazard Protection Zone (NH-P). The land area from which density can be transferred excludes developed and unbuildable areas, such as riparian corridors, slopes 15% or greater, and easements. 100% of the development density of identified qualifying land within the NH-P zone may be transferred to any other residential zone.***
- F. Development Density in Receiving Area. Up to a maximum 20% reduction in average minimum lot size or lot area per unit requirements, is allowed in order to accommodate the density transfer. Developments utilizing a transfer of density will need to apply for a Planned Development pursuant to Chapter 17.51.***
- G. If Density Transfer is Not Feasible. In situations where density transfer is not feasible, a maximum of one dwelling unit per 2.5 acres may be allowed on land zoned for residential use within the NH-P Subdistrict, consistent with the recommendations of a geotechnical engineering study and any conditions required by the review authority.***
- H. Recording of Density Transfer. In all cases where a residential density transfer is used, covenants or other legally binding agreements that run with the land shall preclude the further development of the land from which the density is transferred. The covenants or other legally binding agreements shall be recorded before the transferred density may be used.***

**Veracity of the Data:** Planning Commissioners asked city staff to meet with DOGAMI and DLCD staff about the veracity of the data and ask if DOGAMI and DLCD staff could join the Planning Commission at a future meeting.

City staff organized a meeting with DOGAMI (Bill Burns, Engineering Geologist) and DLCD (Katherine Daniel, Natural Hazards Planner) to discuss the City's efforts, the reliance on DOGAMI data and whether the City's current proposed program was meeting the intent and mandate of Goal 7. Both staff representatives said that the City was doing what it needed to do with the best data available to the City and were supportive of the City's efforts.

They have been invited to the June 15 Planning Commission meeting.

**Types of Reports Required:** Some of the property owners that testified expressed their concerns with the added costs of the reports required if their property was in one of these overlays. Planning Commissioners asked city staff to research whether there were other distinctive levels of data analysis that were less expensive than a Geological Site Assessment or a Geotechnical Report that could be required prior to the property owner incurring the expense for those reports.

City staff reached out to a couple of different Geo-Tech firms and are still researching whether there is a preliminary assessment that could be done prior to the Geo Site Assessment outlined in the code.

Below is a link to a document that DOGAMI and DLCD staff prepared. In this document there is considerable discussion on how cities should mitigate hazards with site assessments and geo-tech reports.

### [Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities](#)

#### **How to decide if a site-specific report is needed.**

*The general term geologic report refers to the engineering geologic report and the geotechnical engineering report. The difference is as follows:*

- *Engineering geologic reports focus on how the earth (e.g., landforms, water table, soil, and bedrock) and earth processes (e.g., landslides and earthquakes) impact structures or potential structures and describe the degree of risk.*
- *Geotechnical engineering reports focus on the design of building products (e.g., structures, retaining walls, pavements) that can withstand or mitigate for subsurface and geologic conditions.*
- *There are two kinds of reports. The local jurisdiction develops its own criteria for triggering its geologic report (engineering geologic report or geotechnical engineering report) requirement on a site by site basis. For example, some communities adopt landslide hazard maps produced by DOGAMI and use these maps to determine if a site is in a hazard zone. If a site is in a hazard zone, generally a report is required. Communities may also use criteria such as percent slope or soil type to trigger a report requirement.*
- *Licensed professionals are generally required to stamp and sign their work products to identify for the public responsibility for the work. OSBGE and OSBEELS have requirements for stamp design and use. For geology work products, stamping requirements are as follows:*
  - *When one geologist prepares all the geology work products in a report, that geologist must stamp and sign the final report.*
  - *When multiple licensed professionals contribute work products to a report (for example, an RG or PE/GE contributing work products to a final report signed and stamped by a CEG), each professional must individually sign and stamp their own work products.*

**Discussion:**

At the public hearing on May 4, 2023, the Planning Commission reviewed the proposed revised code amendments for Section 17.49.170, Residential Density Transfer. There was ensuing discussion about ensuring that the transfer was 100% proportional to the net results of the restrictions imposed by the overlay zone and that the transfer could be received by any qualifying property within the city limits, but that it would be transferred to just one receiving property. Based on that discussion the following additional amendment was made to Section 17.49.170(B).

**Development Density in Receiving Area. Up to a maximum 20% reduction in average minimum lot size or lot area per unit requirements, is allowed in order to accommodate the density transfer. Developments utilizing a transfer of density will need to apply for a Planned Development pursuant to Chapter 17.51. The receiving area needs to be one parcel prior to subdivision.**

The City also received comments from the Department of Land Conservation and Development, the McMinnville Public Works Department, McMinnville Parks and Recreation Department, McMinnville Water and Light, and private engineers and property owners. These are currently being evaluated and incorporated into the proposed program and amendments as appropriate.

Staff is requesting more time for that evaluation and incorporation into the recommendation that goes back to the Planning Commission so that the interested parties can review the resulting amendments prior to presenting them to the Planning Commission.

**Staff Recommendation:**

Staff is recommending that the Planning Commission continue the public hearing to Thursday, October 19, 2023, 6:30 PM.

**"I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET G 3-22 TO THE OCTOBER 19, 2023 PLANNING COMMISSION MEETING, 6:30 PM."**